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UNITED STATES OF AMERICA.



C I R C U L A R

FROM

U.S.
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THE GENERAL LAND OFFICE,

SHOWING

THE MANNER OF PROCEEDING

TO

OBTAIN TITLE TO PUBLIC LANDS UNDER THE PRE-EMPTION, HOMESTEAD,
TIMBER CULTURE, AND OTHER LAWS.

25.4



ISSUED DECEMBER 1, 1877.

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C I R C U L A R .

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., December 1, 1877.

The following is communicated in reference to the manner of acquiring title to the public lands under different laws of Congress :

The States and Territories containing public lands of the United States are divided into districts. In each district there is a land office established by law, with a register and a receiver in attendance for the sale or other disposal of the public lands therein. See sections 2234 to 2247 of the Revised Statutes of the United States, copies hereto attached, No. 1.

Of agricultural public lands there are two classes, the one class at \$1.25 per acre, which is designated as *minimum*, and the other at \$2.50 per acre, or *double minimum*.

Title may be acquired by purchase at public sale, or by ordinary "private entry," and in virtue of the pre-emption, homestead, and timber-culture laws.

BY PURCHASE AT PUBLIC SALE.

1. This may be done where lands are "offered" at public auction to the highest bidder, either pursuant to proclamation by the President or public notice given, in accordance with directions from the General Land Office.

BY "PRIVATE ENTRY" OR LOCATION.

2. The lands liable to disposal in this manner are those which have been offered at public sale, which were not then sold, and which have not since been reserved or otherwise withdrawn from market. In this class of offered and unreserved public lands, the following steps may be taken to acquire title :

CASH PURCHASES.

3. The applicant will present a written application to the register for the district in which the land desired is situated, describing the tract he wishes to purchase, giving its area, form No. 6. Thereupon the register, if the tract is vacant, will so certify to the receiver, stating the price, and the applicant must then pay the amount of the purchase money.

The receiver will then issue his receipt for the money paid, in duplicate, giving to the purchaser a duplicate receipt, form No. 7. The register will issue his certificate of purchase, form No. 8. At the close of the month, the register and receiver will make returns of the sale to the General Land Office, from which, when the proceedings are found regular, a patent or complete title will be issued ; and on surrender of the duplicate receipt, such patent will be delivered, at the option of the patentee, either by the Commissioner at Washington or by the register at the district land office.

LOCATIONS WITH WARRANTS.

4. Application must be made as in cash cases, but must be accompanied by a warrant duly assigned as the consideration for the land; yet where the tract is \$2.50 per acre, the party, in addition to the surrendered warrant, must pay in *cash* \$1.25 per acre, as the warrant is in satisfaction of only so many acres at \$1.25 per acre, or furnish a warrant of such denomination as will, at the legal value of \$1.25 per acre, cover the rated price of the land. For example: a tract of 40 acres of land, held at \$2.50 per acre, can be paid for with a warrant calling for 40 acres and the payment of \$50 in cash, or by surrendering an eighty-acre warrant for the same—the 40 acres to be in full satisfaction for the said location. Or a tract of 80 acres, rated at \$2.50 per acre, can be paid for by the surrender of two eighty-acre warrants. If there is a small excess in the area of the tract over the quantity called for on the face of the warrant in any case, such excess may be paid for in money.

A duplicate certificate of location will then be furnished the party, to be held until the patent is delivered, as in cases of cash sales.

The following fees are chargeable by the land officers, and the several amounts must be *paid at the time of location*:

For a 40-acre warrant, 50 cents each to the register and receiver—total,	\$1.00.
For a 60-acre warrant, 75 cents	“ “ “ “ 1.50.
For an 80-acre warrant, \$1.00	“ “ “ “ 2.00.
For a 120-acre warrant, \$1.50	“ “ “ “ 3.00.
For a 160-acre warrant, \$2.00	“ “ “ “ 4.00.

AGRICULTURAL-COLLEGE SCRIP.

5. This scrip may be used—

First. In the location of land at “*private entry*,” but when so used is only applicable to lands not mineral which may be subject to private entry at \$1.25 per acre, yet is restricted to a technical “*quarter section*”—that is, land embraced by the quarter-section lines indicated on the official plats of survey; or it may be located on a *part* of a “quarter section,” where such part is taken as in full for a quarter; but it cannot be applied to different subdivisions to make an area equivalent to a quarter section. The manner of proceeding to acquire title with this class of paper is the same as in cash and warrant cases, the fees to be paid being the same as on warrants. The location of this scrip at private entry is restricted to *three sections in each township* of land, and *one million acres in any one State*.

Second. In payment of pre-emption claims, in the same manner and under the same rules and regulations as govern the application to pre-emptions of military land warrants; this, too, without regard to the limitation as to the quantity located in a township or in any one State.

Third. In payment for homesteads commuted under section 2301 of the Revised Statutes of the United States, copy attached.

PRE-EMPTIONS ADMISSIBLE TO THE EXTENT OF ONE QUARTER SECTION, OR ONE HUNDRED AND SIXTY ACRES.

6. These are admitted under sections 2257 to 2288 of the Revised Statutes of the United States, copies of which sections are hereto attached, upon “offered” and “unoffered” lands, and upon any of the unsurveyed lands belonging to the United States to which the Indian title is extinguished, although in the case of unsurveyed lands no definite proceedings can be had as to the completion of the title until after the surveys shall have been extended and officially returned to the district land office.

The pre-emption privilege is restricted to heads of families, widows, or single persons over the age of twenty-one, who are citizens of the United States, or who have declared their intention to become citizens, as required by the naturalization laws. This does not include Indians, except such as have ceased their tribal relations and been declared citizens by treaties or acts of Congress.

7. The right of pre-emption, formerly extended by act of Congress of March 3, 1853, for one quarter section, or 160 acres, at the price of \$2.50 per acre, to the alternate United States or reserved sections along the line of railroads, is continued by the Revised Statutes, sections 2257, 2259, and 2279.

8. Section 2281 thereof protects the rights of settlers on sections along the line of railroads, where settlement existed prior to withdrawal, and in such cases allows the land to be taken by the pre-emptors at \$1.25 per acre, but requires that they shall file the proper notices of their claims, and make proof and payment, as in other cases.

9. Where the tract is "*offered*" land, the party must file with the district land office his declaratory statement as to the fact of his settlement within thirty days from the date of said settlement, form No. 11, and within one year from date of settlement must appear before the register and receiver and make proof of his actual residence on, and cultivation of, the tract, and secure the same by paying *cash*, or locating thereon military bounty land warrants or agricultural-college scrip, according to law.

10. Where the tract has been surveyed and *not* offered at public sale, the claimant must file his declaratory statement within three months from date of settlement, form No. 10, and make proof and payment within thirty months after the expiration of the three months allowed for filing his declaratory notice, or, in other words, within thirty-three months from date of settlement;—forms No. 12 and 13.

11. Where settlements are made on *unsurveyed* lands, settlers are required, within three months after the date of the receipt at the district land office of the approved plat of the township embracing their claims, to file their declaratory statement with the register of the proper land office, form No. 10, and thereafter to make proof and payment for the tract within thirty months from the expiration of said three months;—forms No. 12 and 13.

When two or more settlers on unsurveyed land are found upon survey to be residing upon, or to have valuable improvements upon, the same smallest legal subdivision, they may make joint entry of such tract, and separate entries of the residue of their claims. This joint entry may be made in pursuance of contract between the parties, or without it. (Revised Statutes, Sec. 2274.)

12. Should the settler in either of the aforesaid cases die before establishing his claim within the period limited by law, the title may be perfected by the executor, administrator, or one of the heirs, by making the requisite proof of settlement and paying for the land; the entry to be made in the name of "the heirs" of the deceased settler; and the patent will be issued accordingly. The legal representatives of the deceased pre-emptor are entitled to make the entry at any time within the period during which the pre-emptor would have been entitled to do so had he lived.

Section 2261 of the Revised Statutes prohibits the second filing of a declaratory statement by any pre-emptor qualified at the date of his first filing where said filing has been in all respects legal. Where the first filing, however, is illegal from any cause, not the willful act of the party, he has the right to make a second and legal filing.

LAWS EXTENDING THE HOMESTEAD PRIVILEGE.

13. The laws extending the homestead privilege, embraced in sections 2289 to 2317 of the Revised Statutes,—copies attached,—give to every citizen, and to those who have declared their intention to become citizens, the right to a homestead on *surveyed* lands. This is conceded to the extent of one quarter section, or 160 acres, or a half-quarter section, or 80 acres, the former in cases where the land desired is embraced in the class of lower priced lands held by law at \$1.25 per acre, when disposed of to cash purchasers; the latter where it is of the class of higher priced lands held at \$2.50 per acre, when so disposed of.

14. To obtain a homestead, the party must, in connection with his application, form No. 14, make an affidavit, form No. 15, before the register or receiver that he is over the age of twenty-one, or the head of a family; that he is a citizen of the United States, or has declared his intention to become such; and that the entry is made for his exclusive use and benefit, and for actual settlement and cultivation; and must pay the legal fee and that part of the commissions which is payable when the entry is made, as given in tables below.

15. Where the applicant has made actual settlement on the land he desires to enter, but is prevented by reason of bodily infirmity, distance, or other good cause, from personal attendance at the district land office, the affidavit may be made before the clerk of the court for the county within which the land is situated, under section 2294 of the Revised Statutes.

16. On compliance by the party with the foregoing requirements, the receiver will issue his receipt for the fee and that part of the commissions paid, form No. 16, a duplicate of which he will deliver to the party. The matter will then be entered on the records of the district office, and reported to the General Land Office.

17. An inceptive right is vested in the settler by such proceedings, and upon faithful observance of the law in regard to settlement and cultivation for the continuous term of five years, and at the expiration of that time, or within two years thereafter, upon proper proof to the satisfaction of the land officers, forms No. 17 and 18, and payment to the receiver of that part of the commissions remaining to be paid, as given in tables below, the receiver issuing his receipt therefor, the register will issue his certificate, forms No. 19 and 20, and make proper returns to this office as the basis of a patent or complete title for the homestead. If the party was born in a foreign country, the proof must embrace a copy of his certificate of naturalization, duly certified, or an exemplification of the order of court admitting him to citizenship.

NOTE.—The law is specific in requiring final proof to be made within *two* years after the expiration of the five years.

There are two methods by which the settler may proceed in making final proof. Should he so elect, he may make the proof before the register and receiver of the district land office, according to official regulations under section 2291 of the Revised Statutes. These regulations are as follows, viz:

In making final proof, it is required that the homestead party shall appear in person at the district land office, and there make the affidavit required of him by law in support of his claim. Where, from physical disability, distance, or other good cause, the *witnesses* of said party cannot attend in person at the district office, their testimony in support of the claim may be taken where they reside, before an officer authorized by law to administer oaths.

Their testimony must state satisfactorily the reason of their inability to attend at the district office; and the credibility and responsibility of the witnesses must be certified by the officiating magistrate, whose official character must be authenticated under seal.

The corroborating testimony thus prepared must be deposited with the register and receiver, and filed with the affidavit of the homestead party, and the decision of the register and receiver indorsed thereon, as a preliminary to the transmission of the same to the General Land Office.

The act of March 3, 1877, copy attached, No. 2, provides a second method of making the proof of which the settler may avail himself, should he so elect.

The party desiring to avail himself thereof must appear with his witnesses before the judge of a court of record of the county and State, or district and Territory, in which the land is situated, and there make the final proof required by law, according to the forms prescribed therefor when made before the register and receiver, Nos. 17 and 18, which proof, duly authenticated by the court seal, is required to be transmitted by the judge, or the clerk of the court, to the register and receiver, together with the fee and charges allowed by law. See 3d, 10th, and 12th sub-divisions of section 2238 of the Revised Statutes of the United States, copy attached.

The judge being absent in any case, the proof may be made before the clerk of the proper court. The fact of the absence of the judge must be certified in the papers by the clerk acting in his place.

If the land in any case is situated in an unorganized county, the statute provides that the party may proceed to make the proof in the manner indicated in any adjacent county in the State or Territory. The fact that the county in which the land lies is unorganized, and that the county in which the proof is made is adjacent thereto, must be certified by the officer.

In any case where the final proof shall be transmitted to the register and receiver, as contemplated in this act, and the full amount of money due shall be paid, they will carefully examine the proof, and if no

objection appears, proceed to issue the receipt and certificate in the case, and make proper returns to this office as the basis of a patent or complete title for the homestead, pursuant to existing laws. If any objection appears, they will promptly notify the party and advise him of his rights in the matter.

18. Where a homestead settler dies before the consummation of his claim, the widow, or in case of her death the heirs, may continue settlement or cultivation, and obtain title upon requisite proof at the proper time. If the widow proves up, the title passes to her; if she dies before proving up and the heirs make the proof, the title will vest in them.

Where both parents die, leaving infant heirs, the homestead may be sold for cash for the benefit of such heirs, and the purchaser will receive title from the United States.

19. The sale of a homestead claim by the settler to another party before completion of title is not recognized by this office, and not only vests no title or equities in the purchaser, but would be *prima facie* evidence of abandonment, and might give cause for cancellation of the claim.

A party may relinquish his claim, but on his doing so the land reverts to the Government. The party so desiring should surrender the duplicate receipt issued for the entry, with his written relinquishment of the same indorsed thereon, to the register and receiver of the proper district land office. If the duplicate receipt has been lost, he should submit to those officers a written relinquishment of the entry, in which he should state the fact of the loss of the duplicate receipt, and which should be duly signed and acknowledged. The register and receiver will report the relinquishment, as any other evidence of abandonment, with their opinion thereon, for the action of this office.

Where application is made to contest the validity of a homestead entry on the ground of abandonment, the party must file his affidavit with the district land officers, setting forth the allegations on which his application is founded, describing the tract, and giving the name of the settler. Upon this the officers will set apart a day for a hearing, giving all the parties in interest due notice of the time and place of trial.

After the trial, the land officers will transmit the testimony, with their joint report, for the action of this office.

The expenses incident to such a contest must be defrayed by the contestant, and no entry of the land can be made until the district officers have received notice from this office of the cancellation of the entry covering the same; nor does an informant obtain any privileges thereby. Such person must, if he desires the land, by proper diligence ascertain when notice of cancellation is received by the register and receiver, and *then* make formal written application for the tract; the land, after reception by said officers of notice of cancellation, being always open to the *first legal applicant*, unless withdrawn from entry by competent authority.

20. As the law allows but one homestead privilege, a settler relinquishing or abandoning his claim cannot thereafter make a second entry; but where, a party having made one entry, it is canceled as invalid for some reason other than abandonment, and not the willful act of the party, he is not thereby debarred from entering again if in other respects entitled.

Where an individual has made settlement on a tract and filed his pre-emption declaration therefor, he may change his filing into a homestead, if he continues in good faith to comply with the pre-emption laws until the change is effected; and by an act of Congress of March 3, 1877, copy attached, No. 3, the time during which the party has resided upon and claimed the land as a pre-emptor will be credited upon the period of residence and cultivation required under the homestead laws.

Under this statute a party desiring to change his claim under a pre-emption filing to that of a homestead entry is required, in making the change, to appear at the proper land office, with his witnesses, and show full compliance with the pre-emption law to date of such change, proof of such compliance to be forwarded with the entry papers to this office. When the party applies to make final proof, he must show continued residence and cultivation as required by the homestead laws.

In case an adverse claim has attached to the land, due notice, in accordance with Rules of Practice, must be given all parties in interest of the time and place of submitting proof in support of the applica-

tion to make such change. The adverse claimants will be entitled to the privilege of cross-questioning the applicant's witnesses and of offering counter-proof.

21. If the homestead settler does not wish to remain five years on his tract, the law permits him to pay for it with cash or warrants, or agricultural-college scrip, upon making proof of settlement and cultivation for a period of not less than six months from the date of entry to the time of payment; form No. 21.

This proof of actual settlement and cultivation must be the affidavit of the party, made before the district officers, corroborated by the testimony of two credible witnesses.

22. There is another class of homesteads designated as "adjoining farm homesteads." In these cases, the law allows an applicant *owning* and *residing* on an *original* farm to enter other land lying contiguous thereto, which shall not, with such farm, exceed in the aggregate 160 acres. Thus, for example, a party owning or occupying 80 *acres*, may enter 80 additional, without regard to price, whether held at \$1.25 or \$2.50 per acre; or if owning 40 acres, he may enter 120 acres additional of land held at \$1.25 per acre, but cannot exceed the maximum of 80 acres, where the land proposed to be entered is held at \$2.50 per acre.

In applying for an entry of this class, the party must make affidavit, form No. 22, describing the tract which he owns and upon which he resides as his original farm. In making final proof, it is not required that he should prove actual residence on the separate tract entered; but if he does not, it must appear from the proof adduced, forms No. 23 and 24, that he has continued for the period required by law to reside upon and cultivate the original farm tract, and has *bona-fide* made use of the entered tract as a part of the homestead, inclosing, cultivating, or otherwise improving the same.

23. *Provisions for the benefit of soldiers and sailors of the late war, their widows and minor orphan children.*—Sections 2304, 2305, 2306, 2307, 2308, and 2309 of the Revised Statutes, for the benefit of soldiers and sailors, their widows and minor orphan children, provide—

1st. In section 2304, that every soldier and officer in the Army, and every seaman, marine, and officer of the Navy, who served for not less than ninety days in the Army or Navy of the United States "during the recent rebellion," and who was honorably discharged, and has remained loyal to the Government, may enter, under the provisions of the homestead law, 160 acres of the public land, to be taken, if desired, from the class of double-minimum lands.

2d. In section 2305, that the time of his service, or the whole term of his enlistment if the party was discharged on account of wounds or disability incurred in the line of duty, shall be deducted from the period of five years, during which, as per section 2291, the claimant must, to perfect title, reside upon and cultivate the entered tract, but with the proviso that the party shall in every case reside upon, improve, and cultivate his homestead for a period of at least one year after he shall have commenced his improvements.

3d. That any person entitled to the benefits of section 2304 who had, prior to the 22d June, 1874, made a homestead entry of less than 160 acres, may enter an additional quantity of land sufficient to make, with the previous entry, 160 acres.

4th. That the widow, if unmarried, or in case of her death or marriage, then the minor orphan children, of a person who would be entitled to the benefits of section 2304, may enter land under its provisions, with the additional privilege accorded, that if the person died during his term of enlistment, the widow or minor children shall have the benefit of the whole term of enlistment.

5th. That any person entitled to the benefit of section 2304 may file his claim for a tract of land through an agent, and shall have six months thereafter within which to make his entry and commence his settlement and improvement upon the land.

24. The following is the course of proceedings for parties to avail themselves of the benefits of these sections of the Revised Statutes in making homestead entries:

1st. On the party producing the proper proof of his right to do so, immediate entry of the tract desired may be made; but if the party so elect, he may file a declaration, form No. 25, to the effect that he claims a specified tract of land as his homestead, and that he takes it for actual settlement and cultivation. The register and receiver will number the declarations so filed in a separate series, according to the order of filing,

enter them on their records, and with their monthly returns forward an abstract, to embrace all declarations of this class filed with them during the month. Thereafter, at any time within six months from the date of filing, the party may come forward, make his entry of the land, forms of application and affidavits Nos. 26 and 27, and commence his settlement and improvement. Should the party present his declaration through an agent as authorized by section 2309, said agent must produce a duly executed power of attorney from the principal desiring to make the entry, who will be bound by the selection his agent may make the same as though made by himself. Where the party has failed to make entry within six months from the date of filing, in all cases where no adverse right has intervened to the land filed upon, a direct entry may be made, either of the tract filed on or of other unappropriated lands, without referring the case to this office as formerly required under circular of May 17, 1873.

2d. The claims of widows and minor orphan children may be initiated by declaration, as above. Minor orphan children can act only by their duly appointed guardians, who must file certified copies of the powers of guardianship, which must be transmitted to this office by the registers and receivers with their abstracts of declarations. The law does not require, as a condition to enjoying its benefits, that the party should first file a declaratory statement, and, as before stated, immediate entry may be made.

3d. Where a party entitled desires to make an additional entry of a quantity which, with his original entry, shall not exceed one hundred and sixty acres, it is required that a full recital of military service be presented to this office, with due proof of the identity of the party making the claim, and with proper reference to his original homestead entry, giving the name of the district office, date and number of entry, and description of the land. In addition, a detailed statement, under oath, must be filed by the party in interest, setting forth the facts respecting his right to make the entry, and containing his declaration that he has not in any manner exercised his right, either by previous entry or application, or by sale, transfer, or power of attorney, but that the same remains in him unimpaired. He must also declare, under oath, that he has made full compliance with the homestead law in the matter of residence upon, cultivation and improvement of, his original homestead entry; and should further recite whether or not he has proved up his claim and received a patent of the land.

When these papers are filed and examined, they will, if found satisfactory, be returned with a certificate attached recognizing the right of the party to make additional entry under the law; and when presented with a proper application at any district land office, either by the party entitled or his agent or attorney, they will be accepted by the register and receiver, and forwarded with the entry papers to this office in the usual manner.

The fee for examination and certificate, under the seal of the office, will be one dollar, which must in all cases accompany the papers presented for approval.

Where the party's first entry has been consummated, the register and receiver will require him to make application in the form prescribed, No. 28, and to pay the same fee and commissions as in cases of original entry; the receiver will issue his receipt for the money paid, and these papers will receive the current date and the proper numbers in their homestead series. Then, to complete the transaction—it being an object, for the convenience of business, that the additional entry papers, and the final papers therefor, in such cases, shall be kept separate and distinct—the party will make payment of the usual final commissions on the entered tract, for which the receiver will issue his receipt; the register will thereupon issue his final certificate for the additional tract, form No. 29, the receipt and certificate to bear their proper numbers in the final homestead series, likewise a reference to the original entry and to the final certificate thereon by their number, and also by their district where the party's first entry shall have been made in a different district.

In case the party has not made proof on his original homestead entry when he applies for additional land, he will be allowed to make the additional entry on proper application, as above stated, and paying the usual fee and commissions, for which the receiver will issue his receipt; the papers to receive their proper numbers in the homestead series, with a reference thereon to the original entry. Thereafter, when

the party shall make final proof on the original entry, he will be required to pay the final commissions on both entries, when a final receipt will be issued for the money, and thereupon a final certificate issued to call both for the tract in the original entry and the additional tract. On these papers the register and receiver will make a reference to the original and the additional entry, and on them one patent will issue for both; yet where it happens that the original entry and the additional entry are made in different land districts, this rule must be departed from, so far as regards the issuing of one final certificate and receipt for both.

25. The following proof will be required of parties applying for the benefits of sections 2304, 2305, and 2307, in addition to the prescribed affidavit of the applicant:

1st. Certified copy of certificate of discharge, showing when the party enlisted and when he was discharged, or the affidavit of two respectable, disinterested witnesses corroborative of the allegations contained in the prescribed affidavit, form No. 27, on these points. If neither can be procured, the party's affidavit to that effect.

2d. In case of widows, the prescribed evidence of military service of the husband, as above, with affidavit of widowhood, giving the date of the husband's death.

3d. In case of minor orphan children, in addition to the prescribed evidence of military service of the father, proof of death or marriage of the mother. Evidence of death may be the testimony of two witnesses, or certificate of a physician duly attested. Evidence of marriage may be certified copy of marriage certificate, or of the record of same, or testimony of two witnesses to the marriage ceremony.

26. The register and receiver will be allowed to charge one dollar each for receiving and filing the initiatory declaration of the parties in cases where such declarations are filed. This fee the receiver will account for in the usual manner, indicating the same in his account as fees for "homestead declarations," which will be charged against the maximum of \$3,000 now allowed by law. In the States and Territories for which 50 per centum additional is allowed by the twelfth subdivision of section 2238 of the Revised Statutes, the additional allowance will apply to the fee herein named, viz: California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming, and Montana.

27. *Provisions for the benefit of Indians.*—The 15th and 16th sections of the act of March 3, 1875, (copy attached, No. 5,) extends the benefits of the homestead act of May 20, 1862, and the acts amendatory thereof, (now embodied in sections 2290, 2291, 2292, and 2295 to 2302, inclusive, of the Revised Statutes,) to any Indian, born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, with the exception that the provisions of the eighth section of said act of 1862 (section 2301 of the Revised Statutes) shall not be held to apply to entries made thereunder, and with the proviso that the title to lands acquired by any Indian by virtue thereof shall not be subject to alienation or incumbrance, either by voluntary conveyance, or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor.

An Indian desiring to enter public land under this act must make application to the register and receiver of the proper district land office; also an affidavit setting forth the fact of his Indian character; that he was born in the United States; that he is the head of a family, or has arrived at the age of twenty-one years; that he has abandoned his tribal relations and adopted the habits and pursuits of civilized life, form No. 30, and this must be corroborated by the affidavits of two or more disinterested witnesses, form No. 31.

If no objection appears, the register and receiver will then permit him to enter the tract desired according to existing regulations, so far as applicable, under the homestead law, the register writing across the face of the application, form No. 14, the words "Indian homestead—act of March 3, 1875;" they will note the entry on their records and make returns thereof to this office, with which they will send the affidavits submitted. It will be observed that the provisions of the eighth section of the act of May 20,

1862, (section 2301 of the Revised Statutes,) which admit of the commuting of homestead to cash entries, do not apply to this class of homesteads.

28. All lands obtained under the homestead laws are exempt from liability for debts contracted prior to the issuing of patent therefor.

29. For homestead entries on lands in MICHIGAN, WISCONSIN, IOWA, MISSOURI, MINNESOTA, KANSAS, NEBRASKA, DAKOTA, ALABAMA, MISSISSIPPI, LOUISIANA, ARKANSAS, and FLORIDA, fees are to be paid according to the following table:

Acres.	Price per acre.	Commissions.		Fee.	Total of fee and commissions.
		Payable when entry is made.	Payable when certificate issues.	Payable when entry is made.	
160	\$1 25	\$4 00	\$4 00	\$10 00	\$18 00
80	1 25	2 00	2 00	5 00	9 00
40	1 25	1 00	1 00	5 00	7 00
80	2 50	4 00	4 00	5 00	13 00
40	2 50	2 00	2 00	5 00	9 00

NOTE.—Where entries are made on \$2.50 lands by officers, soldiers, and sailors, under section 2304 of the Revised Statutes, double the amount of the above commissions must of course be paid; that is, for 160 acres of \$2.50, \$8 at the date of entry, and \$5 upon proving up.

In addition to the States and Territories named, the above rates will apply to OHIO, INDIANA, and ILLINOIS, if any vacant tracts can be found liable to entry in these three States, where but very few isolated tracts of public land remain undisposed of.

30. In the PACIFIC and other POLITICAL DIVISIONS, viz, on lands in CALIFORNIA, NEVADA, OREGON, COLORADO, NEW MEXICO, and WASHINGTON, and in ARIZONA, IDAHO, UTAH, WYOMING, and MONTANA, the commissions and fees are to be paid according to the following table:

Acres.	Price per acre.	Commissions.		Fee.	Total of fee and commissions.
		Payable when entry is made.	Payable when certificate issues.	Payable when entry is made.	
160	\$1 25	\$6 00	\$6 00	\$10 00	\$22 00
80	1 25	3 00	3 00	5 00	11 00
40	1 25	1 50	1 50	5 00	8 00
80	2 50	6 00	6 00	5 00	17 00
40	2 50	3 00	3 00	5 00	11 00

The note to the table under the 29th head applies also to this table of rates.

OHIO, INDIANA, AND ILLINOIS.

31. In reference to disposals of any remnant of public lands in these States, it may be proper here to introduce the following *regulations for the admission of entries by the Commissioner of the General Land Office, under Act of March 3, 1877, in States where there are no district land offices*:

The act of Congress of March 3, 1877, making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1878, provides: "That public lands situated in States in which there are no land offices may be entered at the General Land Office, subject to the provisions of law touching the entry of public lands; and that the necessary proofs and affidavits required in such cases may be made before some officer competent to administer oaths, whose official character shall be duly certified by the clerk of a court of record; and moneys received by the Commissioner of the General Land Office for lands entered by cash entry shall be covered into the Treasury."

Under these provisions the Commissioner of the General Land Office is prepared to perform the duties which, by law, were devolved upon the registers and receivers of the district land offices at Chillicothe, Ohio, Springfield, Illinois, and Indianapolis, Indiana, prior to the abolition of those offices by act of Congress of July 31, 1876.

In so doing, he will receive applications accompanied by the purchase money, or fees and commissions, as the case may be, from parties desiring to enter any isolated tracts which may remain undisposed of in said States, either from the parties in person or through the mails, and in like manner any proof or payment proper to perfect entries already made, take the proper action thereon, and duly advise the parties, in regular course of business.

The following method will be observed in carrying into effect the provisions of the act:

1st. A clerk will be designated by the Commissioner to receive and act upon the applications which may be offered for such entries, and to have charge of the correspondence connected therewith; all moneys received to go into the charge of the receiving clerk, designated under the act of July 2, 1864, and any moneys found to belong to the United States on the cases being finally passed upon to be turned over to the Treasury, according to law.

2d. Applications will be immediately entered in a preliminary abstract for each State in the order in which they are received; will be carefully examined in connection with the plats, files, and records, and admitted or rejected, according to the law and instructions governing the case. From such preliminary abstracts, the admitted applications will be carried to a regular monthly abstract, and the proper certificates and receipts will be issued by the Commissioner, acting as *ex officio* register and receiver. The entries thus admitted will be properly posted in the tract-books, and the papers therefor placed on file, for such further action as may be necessary. These entries will be numbered consecutively in continuation of the series entered upon at the respective district offices. The applicants will be promptly advised of the result of the examination, and, where the desired entries are admitted, will be furnished with the appropriate paper to be held as evidence of title until delivery of the patents.

3d. In case of conflicting applications, that which is first received shall be first acted upon, as above directed, and will be considered as giving the applicant the legal right to the tract applied for, if unexceptionable in other respects.

LAWS TO PROMOTE TIMBER CULTURE.

32. The timber-culture act of March 13, 1874, (copy attached, No. 4,) amendatory of the act of March 3, 1873, (sections 2464 to 2468 of the Revised Statutes,) is to the following effect:

1. The privilege of entry under this act is confined to persons who are heads of families, or over twenty-one years of age, and who are citizens of the United States, or have declared their intention to become such; form of application, No. 32.

2. The affidavit required for initiating an entry under this act (form No. 33) may be made before the register or receiver of the district office for the land district embracing the desired tract, or before some officer authorized to administer oaths in that district who is required by law to use an official seal;

3. Not more than one hundred and sixty acres in any one section can be entered under this act;

4. The privilege of making more than one entry thereunder is confined to such parties as shall enter, in each and every instance, a fractional subdivision of less than 40 acres, and the aggregate area of such entries shall not exceed 160 acres;

5. The ratio of area required to be broken, planted, &c., is, all cases initiated under the first section of this act, one-fourth of the land embraced in the entry;

6. One-fourth part of the area required to be devoted to timber must be broken within one year from date of entry; one-fourth part more within two years from date of entry; and the remaining one-half within three years from date of entry;

7. One-fourth part of the area required to be devoted to timber must be planted within two years from date of entry; one-fourth part more within three years from date of entry; and the remaining one-half within four years from date of entry;

8. The trees are required to be not more than twelve feet apart each way, and the same are required to be protected, cultivated, and kept in a healthy growing condition for eight years next succeeding the date of entry;

9. If, at the expiration of the said eight years, or at any time within five years thereafter, the person making the entry, or, if he or she be dead, his or her heirs or legal representatives, shall prove by two credible witnesses the fact of such planting, cultivation, &c., of the said timber for not less than the said period of eight years, he, she, or they shall receive a patent for the land embraced in said entry;

10. In case of the death of a person who, having entered a quarter section, has complied with the provisions of this act for the period of three years—that is to say, who has broken ten acres the first year, ten acres the second year, and twenty acres the third year; and who has planted ten acres with timber the second year, and ten acres the third year—then, and in that case, his or her heirs or legal representatives shall be permitted, at their option, to continue to comply with the provisions of this act during the unexpired portion of the eight years, and thereupon receive a patent for said quarter section; or, on making proper proof of the compliance of the deceased party with the requirements of the act for the said period of three years, they shall receive, without delay, a patent for forty acres of said quarter section, upon the condition that they relinquish to the United States all claim to the remainder of the land embraced in such entry;

11. If at any time after one year from the date of entry under the first section of this act, and prior to the issue of a patent therefor, the claimant shall have failed to do the breaking and planting required by this act, or any part thereof, or shall fail to cultivate, protect, and keep in good condition such timber, then, and in that event, such land shall become liable to a contest, in the manner provided in homestead cases; and upon due proof of such failure, the entry shall be canceled and the land become again subject to entry under the homestead laws, or by some other person under the provisions of this act;

12. A party at the time of instituting contest is allowed to make application to enter the land. The register will thereupon indorse upon the application the date of its presentation, and make the same, together with the affidavit of abandonment, the basis for further proceedings, said papers to accompany the case when sent to the General Land Office. Should the entry be finally canceled, the contestant can perfect his entry. No preference right to enter will be allowed unless application is made at date of instituting contest.

13. Each and every homestead settler, at any time after the end of the third year of his or her residence, who, in addition to the settlement and improvements required by the homestead laws, shall have had under cultivation for two years one acre of timber (the trees thereon being not more than twelve feet apart each way, and in a good thrifty condition) for each and every sixteen acres of said homestead, shall, upon due proof of such fact by two credible witnesses, receive his or her patent for said homestead;

14. No land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of final certificate therefor;

15. The fees for all entries under this act shall be ten dollars, and the commission of registers and receivers on all entries (irrespective of area) shall be four dollars (two dollars to each) at the date of entry, and a like sum at the date of final proof;

16. No distinction is made, as to area or the amount of fee and commissions, between minimum and double minimum lands; a party may enter 160 acres of either on payment of the prescribed fee and commissions;

17. The fifth section of the act entitled "An act in addition to an act to punish crimes against the United States, and for other purposes," approved March 3, 1857, shall extend to all oaths, affirmations, and affidavits required or authorized by this act;

18. Parties who may have already made entries under the timber-culture act of March 3, 1873, of which this is amendatory, shall be permitted to continue and complete the same in the manner and under the conditions prescribed by this act.

33. Pursuant to the foregoing provisions, the following regulations will be observed, viz:

First. The register and receiver will not restrict entries under this act to one quarter section only in each section, as was formerly done, but may allow entries to be made of subdivisions of different quarter sections; provided that each entry shall form a compact body, not exceeding one hundred and sixty acres, and that not more than that quantity shall be entered in any one section. Before allowing any entry applied for, they will, by a careful examination of the plat and tract-books with reference to any previous entry or entries within the limits of the same section, satisfy themselves that the desired entry is admissible under this rule.

Second. In the case of an application for a fractional subdivision containing less than forty acres, they will require the applicant to state in his affidavit that he has, or has not, as the case may be, made a previous entry of a similar fractional subdivision. If he shall have made one or more such previous entries, they will require him to exhibit his duplicate receipts or patents therefor, and will note the same, by number, acres, district, and description of the land, upon the application presented, thus: "Previous entry No. —, [Description,] — acres, — District."

Third. When they shall have satisfied themselves that the land applied for is properly subject to such entry, they will require the party to make affidavit, (form No. 33,) and to pay the fee and that part of the commissions payable at the date of entry, and the receiver will issue his receipt therefor, form No. 34, in duplicate, giving the party a duplicate receipt. They will number the entry in its order, in a separate series of numbers, unless they have already a series under the act of March 3, 1873, to which this act is amendatory, in which case they will number the entry as one of that series; they will note the entry on their records, and report it in their monthly returns, sending up all the papers therein, with an abstract of the entries allowed during the month under this act.

Fourth. The fees and commissions in this class of entries the receiver will account for in the usual manner, indicating the same as fees and commissions on timber-culture entries, which will be charged against the maximum of \$3,000 now allowed by law.

Fifth. When a homestead party claims a patent for his homestead entry under the fourth section of this act, the register and receiver will require him to make affidavit, according to form No. 35, and proof, according to form No. 36, which must show that he has resided upon and cultivated the tract for not less than three years, in addition to the facts that the land is prairie in character, and that he has cultivated timber thereon, as required to bring the case within the provisions of said fourth section. This being done, and the proper commissions paid, the receiver will issue his receipt for the money, and the register his final certificate for the entry, (form No. 37,) the papers to be numbered in the regular final homestead series.

Sixth. In all cases under this act it will be required that trees shall be cultivated which shall be of the class included in the term "*timber*," the cultivation of shrubbery and fruit trees not being sufficient.

34. The foregoing has reference to public lands which are *agricultural* in character. There are special laws for the disposal of *desert lands*, *saline lands*, and *town-sites on the public domain*.

DESERT LANDS.

By desert lands is meant a class of lands which will not, without irrigation, produce any agricultural crop. Title to such lands in any of the following States and Territories may be acquired under the act of Congress of March 3, 1877, copy attached, No. 38, viz: the *States of California, Oregon, and Nevada*, and the *Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota*. Any party desiring to avail himself thereof must file with the register and receiver of the proper district land office a declaration in form prescribed, No. 39, which must be under oath, and may be executed before either the register or receiver, or the clerk of any court of record having a seal. It must set forth that the appli-

cant is a citizen of the United States, or that he has declared his intention to become such, in which case a duly certified copy of his declaration of intentions to become a citizen must be presented and filed. It must also be set up that the applicant has made no other declaration for desert lands under the provisions of this act, and that he intends to reclaim the tract of land applied for, not exceeding one section, by conducting water thereon within three years from the date of his declaration. The declaration must also contain a description of the land applied for, by legal subdivisions if surveyed, or, if unsurveyed, as nearly as possible without a survey by giving with as much clearness and precision as possible the locality of the tract with reference to known and conspicuous landmarks or the established lines of survey, so as to admit of its being thereafter readily identified when the lines of survey come to be extended.

As preliminary to the filing of such declaration, it must be satisfactorily shown that the land therein described is *desert land* as defined in the second section of the act. To this end, the testimony of at least two disinterested and credible witnesses is required, whose testimony will be reduced to writing in the usual manner; or the evidence may be furnished in the form of affidavits executed before the clerk of any court of record having a seal, the credibility of the witnesses to be certified by said clerk. The witnesses must clearly state their acquaintance with the premises, and the facts as to the condition and situation of the land upon which they base their judgment. A form of affidavit, to be sworn to and subscribed by each witness, is attached, No. 40. After this proof has been made to the satisfaction of the district officers, the receiver will receive from the applicant the sum of twenty-five cents per acre for the land applied for; the register will receive and file his declaration, and they will jointly issue, in duplicate, a certificate in the form attached, No. 41. One of these duplicates will be delivered to the applicant. The other will be retained by the register and receiver with the declaration and proof. They will bear a number according to the order in which the certificate was issued. The register will keep a record of the certificates issued, showing the number, date, amount paid, name of applicant, and description of the land applied for in each case, and, in addition, he will note the same upon his plats and records as in cases of ordinary entry. At the end of each month he will, with his regular returns, forward to this office an abstract of the declarations filed and certificates issued under this act during the month, accompanying same with the declarations and proofs filed and the retained copy of certificate in each case. The receiver will also account for the money received under this act in the usual form. At any time within three years after the date of filing the declaration and the issue of certificate, the proper party may make satisfactory proof of having conducted water upon the land applied for. This proof must consist of the testimony of at least two disinterested and credible witnesses, who must appear in person before the register and receiver. They must declare that they have personal knowledge of the condition of the land applied for, and of the facts to which they testify; and their testimony must be reduced to writing in the usual manner. The party must also present and surrender the duplicate certificate issued when the declaration was filed. When this is done, and the final proof made to the satisfaction of the district officers, the receiver will receive the additional payment of one dollar per acre, receipt therefor in duplicate in the usual manner, writing upon the face of the receipt a reference to this act, and give the party a duplicate receipt. The register will also issue a final certificate of purchase in the ordinary form of cash certificates, noting upon the face of the certificate a reference to this act. You will give to these final certificates and receipts a special series of numbers, and will make separate abstracts of same at the end of each month, sending up therewith the final certificates, receipts, and proofs.

In cases where declarations shall be filed under this act for unsurveyed lands, the register and receiver will immediately forward copies of the declarations to the surveyor general, in order that the proper surveys may be made.

SALINE LANDS.

The act of Congress of January 12, 1877, copy attached, No. 42, provides a mode of proceeding by which public lands indicated by the field-notes of survey, or otherwise, to be *saline in character* may be rendered subject to disposal.

Should *prima facie* evidence that certain tracts are saline in character be filed with the register and receiver of the proper land district, they will designate a time for a hearing at their office, and give notice to all parties in interest in order that they may have ample opportunity to be present with their witnesses.

At the hearing, the witnesses will be thoroughly examined with regard to the true character of the land, and whether the same contains any known mines of gold, silver, cinnabar, lead, tin, copper, or other valuable mineral deposit, or any deposit of coal.

The witnesses will also be examined in regard to the extent of the saline deposits upon the given tracts, and whether the same are claimed by any person; if so, the names of the claimants, and the extent of their improvements must be shown.

The testimony should also show the agricultural capacities of the land, what kind of crops, if any, have been raised thereon, and the value thereof. The testimony should be as full and complete as possible, and in addition to the leading points indicated above, everything of importance bearing upon the question of the character of the land should be elicited at the hearing.

The register and receiver will transmit the testimony to this office with their joint opinion thereon. When the case comes before this office such a decision will be rendered in regard to the character of the land as the law and the facts may warrant.

Should the given tracts be adjudged agricultural, they will be subject to disposal as such. Should the tracts be adjudged *saline lands*, the register and receiver will be instructed to offer the same for sale, after public notice at the local land office of the district in which the same shall be situated, and to sell said tract or tracts to the highest bidder for cash, at a price of not less than one dollar and twenty-five cents per acre.

In case said lands fail to sell when so offered, the same will be subject to private sale at such land office, for cash, at a price of not less than one dollar and twenty-five cents per acre, in the same manner as other public lands are sold, and already indicated herein. See pages 1 and 2.

The provisions of this act do not apply to any lands within the Territories, nor to the lands within the State of Colorado until the grant to said State of salines has been fully satisfied or the right of selection has expired by efflux of time.

TOWN SITES.

The eighth chapter of the Revised Statutes of the United States, comprising sections 2380 to 2393, and act of Congress of March 3, 1877, copies attached, Nos. 43 and 44, provide for the disposal of town sites on the public domain.

There are two methods by which title to such town property may be acquired, subject to the election of parties desiring to do so: one provided for in sections 2382, 2383, 2384, and 2385, and the other in sections 2387, 2388, and 2389 of the Revised Statutes of the United States. The first method limits the extent of the area of the city or town to 640 acres, to be laid off into lots, and which, after filing in the General Land Office the transcript, statement, and testimony required by section 2382, are to be offered at public sale, to the highest bidder, at a minimum of ten dollars for each lot. Lots not thus disposed of are made thereafter liable to private entry at said minimum, or at such reasonable price as the Secretary of the Interior may order from time to time, as the municipal property may increase or decrease, after at least three months' notice.

A privilege, however, is granted to any *actual settler* upon any *one* lot of pre-empting that, and any additional lot on which he may have "substantial improvements," at said minimum, at any time before the day fixed for the public sale.

There are, however, certain preliminary conditions to be complied with in order to the enjoyment of the privileges granted in this section. Parties who have already founded or may hereafter found a city or town are required—

1st. To file with the recorder of the county in which the town or city is situate a plat thereof, not exceeding 640 acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed.

2d. Also the plat or map of such city or town must exhibit the name of the city or town, the streets, squares, blocks, lots, and alleys; the size of the same, with measurements and area of each municipal subdivision, the lots in which shall each not exceed 4,200 square feet, with a statement of the extent and general character of improvements.

3d. Further, the said map and statement to be verified by oath by the party acting for and in the behalf of the founders of the city or town.

4th. Within one month after filing the map or plat with the recorder of the county, a verified copy of said map and statement is to be sent to the General Land Office, accompanied by the testimony of two witnesses that such city or town has been established in good faith.

5th. Where the city or town is within the limits of an organized land district, a similar copy of the map and statement must be filed with the register and receiver.

Section 2383 provides for cities or towns founded on *unsurveyed* land, and directs that it may be lawful to adjust the exterior limits of the premises with the lines of the public surveys, where it can be done without impairing the rights of others. It also provides for the issue of patents for lots disposed of under these provisions as in ordinary cases.

Section 2384 authorizes the Secretary of the Interior, in case the parties interested shall fail or refuse, within twelve months of the founding of a city or town on the public domain, to file in the General Land Office a copy of the map with the statement and testimony called for by section 2382, to cause a survey and plat to be made of the said city or town, and thereafter the lots to be sold as provided, at an increase of fifty per cent. on the minimum price of ten dollars per lot.

Sections 2387, 2388, and 2389 grant to the inhabitants of cities and towns on the public lands the privilege of entering the lands occupied as town sites at the minimum price of one dollar and twenty-five cents per acre, through the corporate authorities of such towns and cities, or the judges of the county courts acting as trustees for the occupants thereof.

This privilege is granted where such mode of obtaining title to town property is preferred to that provided in sections 2382, 2383, 2384, and 2385, which are not repealed by the former sections. The inhabitants of these towns or cities are limited, however, to one or the other of the modes provided in these statutes, and cannot commence proceedings under both systems.

The provisions of sections 2382, 2383, 2384, and 2385 were originally embodied in the acts of Congress of July 1, 1864, and March 3, 1865; those of sections 2387, 2388, and 2389 in the act of March 2, 1867. Section 2394 is a re-enactment of the act of June 8, 1868. It has reference to cases where the inhabitants of cities or towns proceeded to act under the provisions of the acts of July 1, 1864, and March 3, 1865, prior to June 22, 1874, the date of the Revised Statutes, and in which they have partly proved up and paid for the lots claimed by them according to said acts. It provides for extending the privilege of sections 2387, 2388, and 2389, if the town authorities in any such case should elect to proceed under them, to such of the inhabitants as may not have paid for their lots, without interfering with the issuing of patents to those who had made or might make entries or elect to proceed under the acts of July 1, 1864, and March 3, 1865, or sections 2382, 2383, 2384, and 2385 of the Revised Statutes. Accordingly, should any case be presented where proceedings had been commenced, as aforesaid, by the inhabitants of any town or city before the date indicated, and a part of them, not having entered and paid for their lots, desire to take advantage of the other system referred to, they would be entitled, under section 2394, on application to the register and receiver of the proper district office, through the town authorities, pursuant to the provisions of sections 2387, 2388, and 2389, to enter or file upon such portion of the town site as has not already been entered and paid for, and is not in possession of parties electing to complete their titles under the original proceedings; after which, that part of the town site so entered or filed upon will be disposed of under the last-mentioned sections, and the remaining portion, if any, under sections 2382, 2383, 2384, and 2385. Section 2394 has no reference to any case in which proceedings for acquiring title to the town site were commenced subsequent to June 22,

1874, the inhabitants in all such cases being restricted to the method of acquiring title according to which they may have commenced to act.

Section 2394 further provides that in addition to the minimum price of the lands included in any town site entered under its provisions and those of sections 2387, 2388, and 2389, there shall be paid by the parties availing themselves thereof all costs of surveying and platting any such town site, and expenses incident thereto, incurred by the United States, before any patent therefor shall issue. Hence, when it is desired to enter a town site found upon the *unsurveyed* public lands, a written application should be presented to the surveyor general of the proper district for a survey of the same, under section 2401, of the Revised Statutes, and the amount estimated by him as sufficient to cover the said cost and expenses deposited with any assistant United States treasurer or designated depository in favor of the United States Treasurer, to be passed to the credit of the fund created by "Individual Depositors for the Survey of the Public Lands," the depositor taking a duplicate certificate of deposit, one to be filed with the surveyor general to be sent to the General Land Office, and the other retained by the depositor. On receiving such certificate, showing that the requisite sum has been deposited in a proper manner to pay for the work, the surveyor general will transmit to the register and receiver of the district land office his certificate of such payment having been made, and will contract with a competent United States deputy surveyor, and have the survey made and returned in the same manner as other public surveys, after which the lands embraced within the site may be entered, or filed upon, as in the case of town sites upon surveyed lands.

When town sites are located upon land already surveyed, the entry must be made in conformity to the legal subdivisions of the public lands, and here no costs in regard to past surveys will be exacted. When sites are upon *unsurveyed* land, it will be necessary, after the extension thereto of the public surveys, to close those lines upon the exterior limits of the town site.

Section 2389, it will be observed, stipulates that there shall be conceded, where the number of inhabitants is one hundred and less than two hundred, not exceeding three hundred and twenty acres; where the population is more than two hundred and less than one thousand, not exceeding six hundred and forty acres; and where the inhabitants number one thousand and over, not exceeding twelve hundred and eighty acres; and for each additional one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres.

All military and other reservations of the United States, private grants, and valid mining claims, are excluded from the operation of these town-site laws. In patents issued thereunder it is expressly declared as follows, viz: "No title shall be hereby acquired to any mine of gold, silver, cinuabar, or copper, or any valid mining claim or possession held under existing laws of Congress." [Section 2392, R. S.]

In any Territory in which a land office may not have been established, the declaratory statements provided for in the foregoing statutes may be filed with the surveyor general of the proper district.

In the act of Congress of March 3, 1877, section 1 restricts the amount of land that can be reserved from pre-emption and homestead entry, by reason of the existence or incorporation of a town upon the public domain, to 2,560 acres, unless the excess shall "be actually settled upon, inhabited, improved, and used for business and municipal purposes."

Section 2 confirms pre-emption and homestead entries already made within the corporate limits of a town, the entries being regular in all respects, *provided*, it shall be satisfactorily shown that the lands so entered are "not settled upon or used for any municipal purpose, nor devoted to any public use of such town."

Section 3 provides: That when it shall appear that the corporate limits of a town embrace lands in excess of the maximum quantity allowed, the proper authorities may select those portions that are actually occupied, used, and improved for municipal purposes, which lands shall be reserved from pre-emption and homestead entry, and the residue will be restored, or become subject to such settlement and entry. This selection must be made within sixty days from notice, and in default thereof, a hearing will be ordered and

testimony taken as to the condition of the land, and such portion set apart as shall appear to be within the meaning of the act.

The 4th section, with the proviso to the 2d section, provides for additional entries by towns, where entries have already been made, in cases in which an increase in the number of inhabitants would entitle them to an entry of a larger area, under section 2389 of the Revised Statutes of the United States, such entries, however, to be within the maximum amount, or 2,560 acres.

PRESENTATION OF APPEALS.

35. Any person making application to file upon or enter a tract of public land, having complied with the law and regulations touching the presentation of such applications, and feeling aggrieved by the refusal of the register and receiver to recognize his claim, or by any order, direction, or condition affecting the same, may appeal from the action of those officers to the Commissioner of the General Land Office, who is by law invested with the supervision and control of all matters relating to the disposal of the public lands, subject to the direction of the Secretary of the Interior. (Revised Statutes, secs. 453 and 2478.)

For the purpose of enabling such appeal to be taken and perfected, the register and receiver will indorse upon the written application the date when presented and their reasons for refusing it, promptly advising the party in interest of the facts, and note upon their records a memorandum of the transaction. The party aggrieved will then be allowed thirty days from the receipt of notice of such action within which to file his appeal to the Commissioner.

The appeal should be in writing, and should set forth in brief and clear terms the specific points of exception to the ruling appealed from. It must in all cases be filed with the district officers, to be forwarded by them with a full report of the case to this office.

This report should recite the proceedings had, to wit: The application and rejection, with the reasons therefor, and also the status of the tract involved, as shown by the records of the office, together with a reference to all entries, filings, annotations, memoranda, and correspondence shown by such record, relating thereto, so as to direct the attention of the Commissioner to all the material facts and issues necessary to a proper determination of the questions presented.

No appeal from the decision of the register and receiver will be received at the General Land Office unless forwarded through the local officers in the manner herein prescribed.

The report should be forwarded at once upon the filing of the appeal, except in contested cases after regular hearing, when, unless all parties request its earlier transmission, it should not be made until the expiration of the thirty days included in the notice, in order that all parties may have full opportunity to examine the record and prepare their argument upon the questions at issue. All documents once received must be kept on file with the cases, and no papers will be allowed under any circumstances to be removed from such files or taken from the custody of the register and receiver; but access to the same under proper rules, so as not to interfere with necessary public business, should be permitted to the parties in interest under the supervision of those officers.

Upon any question relating to the disposal of the public lands, appeal from the decision of the Commissioner of the General Land Office will lie to the Secretary of the Interior, (Revised Statutes, secs. 441, 2273,) except in cases of interlocutory orders and decisions, and orders for hearing, or other matters resting in the sound discretion of the Commissioner. Such latter cases constitute matters of exception, which should be noted, and they will be considered by the Secretary on review.

The appeal is required to be made in writing, fairly and specifically stating the points of exception to the decision appealed from, and must be filed either with the register and receiver for transmission, or with the Commissioner, within sixty days from receipt, by the party or his attorney, of the notice of the decision.

After appeal is filed, the fact of its receipt and pendency will be promptly communicated to the district office and to the parties, and thirty days from service of such notice will be allowed for the filing of argu-

ment on the points involved in the controversy. At the expiration of the time prescribed, the papers and record will be forwarded to the Secretary of the Interior. All arguments shall be filed with the Commissioner within the time specified in the notice, in order that they may be referred to and considered in transmitting the case to the Secretary, if deemed expedient by the Commissioner. Examination of cases on appeal to the Secretary will be facilitated by filing in printed form such argument as it is desired to have considered.

Decisions of the Commissioner not appealed from within the period prescribed become final, and the case will be regularly closed. (Revised Statutes, sec. 2273.)

The decision of the Secretary is necessarily final, so far as respects the action of the Executive.

REGISTERS' AND RECEIVERS' RETURNS.

36. Within three days from the close of each month, the district land officers are required to make out and transmit to the General Land Office a statement of the business of their respective offices for the preceding month.

These reports are in the form of abstracts of pre-emption declarations and of soldiers' declarations filed, abstracts of lands sold, abstracts of homesteads entered, abstracts of timber-culture entries allowed, abstracts of military bounty land warrants and of agricultural-college scrip located, accompanied by the certificates of purchase, receivers' receipts, homestead and timber-culture applications and affidavits, military bounty land warrants and agricultural-college scrip surrendered as satisfied, and the certificates of location thereof.

Names of parties must be clearly and legibly written in these papers to correspond with the signature to every application; and when spelled in two or more ways, or illegibly written by the person signing, the register must ascertain by proper inquiry the correct orthography and certify to the same upon the margin of the certificate.

The abstracts, after being carefully examined by the register and receiver, are to be certified by them as correct, and as in conformity with the papers in the entries or locations embraced therein, and with their records, which papers, abstracts, and records must agree with each other.

The receiver is required also to render promptly a *monthly account of all the moneys received*, showing the balance due the Government at the close of each month.

At the end of every *quarter*, he must also transmit a *quarterly account* as receiver; upon the several accounts an adjustment is here made, and submitted to the Treasury Department, for final settlement.

He must also render a quarterly disbursing account of all moneys expended.

The receiver is required to deposit the moneys received by him, at some depository designated by the Secretary of the Treasury, when the amount on hand shall have reached the sum of *one thousand dollars*; and in no case is he authorized, without special instructions, to hold a larger amount in his hands.

37. It is the duty of the registers and receivers to be in attendance at their offices, and give proper facilities and information to persons applying for lands.

38. A list of all the district land offices in the United States is hereto annexed.

39. Laws and instructions relating to mining claims form the subject of a separate circular. Lands bearing "*gold, silver, cinnabar, lead, tin, copper, or other valuable deposits*," are not subject to disposal under the homestead and pre-emption laws.

40. Registers and receivers of the land offices are not authorized by law to make any charge for their services in accepting or entering pre-emption or homestead claims, other than such as are herein set forth.

41. By section 2242 of the Revised Statutes it is, among other things, provided that upon satisfactory proof that either of said officers has charged or received fees or other rewards not authorized by law, he shall forthwith be removed from office.

J. A. WILLIAMSON,

Commissioner of the General Land Office.

[No. 1.]

REVISED STATUTES OF THE UNITED STATES.

TITLE XXXII.—THE PUBLIC LANDS.—CH. 2.

REGISTERS AND RECEIVERS.

SECTION 2234. There shall be appointed by the President, by and with the advice and consent of the Senate, a register of the land-office and a receiver of public moneys, for each land-district established by law.

SEC. 2235. Every register and receiver shall reside at the place where the land-office for which he is appointed is directed by law to be kept.

SEC. 2236. Every register and receiver shall, before entering on the duties of his office, give bond in the penal sum of ten thousand dollars, with approved security, for the faithful discharge of his trust.

SEC. 2237. Every register and receiver shall be allowed an annual salary of five hundred dollars.

SEC. 2238. Registers and receivers, in addition to their salaries, shall be allowed each the following fees and commissions, namely:

First. A fee of one dollar for each declaratory statement filed, and for services in acting on pre-emption claims.

Second. A commission of one per centum on all moneys received at each receiver's office.

Third. A commission to be paid by the homestead applicant, at the time of entry, of one per centum on the cash price, as fixed by law, of the land applied for; and a like commission when the claim is finally established, and the certificate therefor issued as the basis of a patent.

Fourth. The same commission on lands entered under any law to encourage the growth of timber on western prairies, as allowed when the like quantity of land is entered with money.

Fifth. For locating military bounty-land warrants issued since the eleventh day of February, eighteen hundred and forty-seven, and for locating agricultural college land-scrip, the same commission, to be paid by the holder or assignee of each warrant or scrip, as is allowed for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre.

Sixth. A fee, in donation cases, of five dollars for each final certificate for one hundred and sixty acres of land; ten dollars for three hundred and twenty acres; and fifteen dollars for six hundred and forty acres.

Seventh. In the location of lands by States and corporations under grants from Congress for railroads and other purposes, (except for agricultural colleges,) a fee of one dollar for each final location of one hundred and sixty acres; to be paid by the State or corporation making such location.

Eighth. A fee of five dollars per diem for superintending public-land sales at their respective offices; and, to each receiver, mileage in going to and returning from depositing the public moneys received by him.

Appointment of registers and receivers.

See all acts establishing land-districts.

Residence of register and receiver.

See all acts establishing land-districts.

Bond of register and receiver.

10 May, 1800, c. 55, ss. 1, 6, v. 2, pp. 73, 75.
3 March, 1853, c. 145, s. 5, v. 10, p. 245.

Salaries of register and receiver.

30 May, 1862, c. 86, s. 6, v. 12, p. 409. 20 April, 1818, c. 123, v. 3, p. 466.

Fees and commissions of register and receiver.

4 Sept., 1841, c. 16, s. 12, v. 5, p. 456. 21 Mar., 1864, c. 38, s. 4, v. 13, p. 35.

20 April, 1818, c. 123, v. 3, p. 466.

21 March, 1864, c. 38, s. 2, v. 13, p. 35.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

15 July, 1870, c. 294, s. 25, v. 16, p. 320.

3 March, 1873, c. 277, s. 6, v. 17, p. 606.

22 March, 1852, c. 19, s. 2, v. 10, p. 4.

2 July, 1862, c. 130, s. 7, v. 12, p. 505.

30 May, 1862, c. 86, s. 6, v. 12, p. 409.

1 July, 1864, c. 196, s. 1, v. 13, p. 335.

24 April, 1820, c. 51, s. 5, v. 3, p. 567.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

21 March, 1864, c. 38, s. 4, v. 13, p. 35.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

21 March, 1864, c. 38, s. 6, v. 13, p. 36, and several acts establishing land offices for Utah, Wyoming, and Montana.

Fees of register and receiver for consolidated land offices.

18 Feb., 1861, c. 38, ss. 1, 3, v. 12, p. 131.

Maximum of compensation for registers and receivers.

21 March, 1861, c. 38, s. 6, v. 13, p. 36. 30 April, 1868, c. 123, v. 3, p. 466. 20 May, 1862, c. 75, s. 6, v. 12, p. 393. 30 May, 1862, c. 86, s. 6, v. 12, p. 409. 1 July, 1864, c. 196, s. 1, v. 13, p. 335. 22 March, 1852, c. 19, s. 3, v. 10, p. 4. 2 July, 1862, c. 130, s. 7, v. 12, p. 505. 2 Feb., 1859, c. 19, v. 11, p. 372. 18 Feb., 1861, c. 38, ss. 1, 3, v. 12, p. 131.—F. S. vs. Babbitt, 1 Bl., 55.

Excess of compensation to be paid in Treasury

3 March, 1863, c. 97, s. 1, v. 10, p. 204. 18 Feb., 1861, c. 38, ss. 1, 3, v. 12, p. 131.

Illegal fees penalty.

22 March, 1852, c. 19, s. 3, v. 10, p. 4.

17 July, 1854, c. 84, s. 6, v. 10, p. 308.

Compensation of registers and receivers, when to commence.

24 Feb., 1855, c. 124, s. 3, v. 10, p. 615.

Duration of office of registers and receivers.

15 May, 1851, c. 102, s. 1, v. 3, p. 522.

Monthly and quarterly returns of receivers.

4 July, 1839, c. 332, s. 9, v. 5, p. 111.

Oaths administered by registers and receivers.

12 June, 1840, c. 35, v. 5, p. 384.

Ninth. A fee of five dollars for filing and acting upon each application for patent or adverse claim filed for mineral lands, to be paid by the respective parties.

Tenth. Registers and receivers are allowed, jointly, at the rate of fifteen cents per hundred words for testimony reduced by them to writing for claimants, in establishing pre-emption and homestead rights.

Eleventh. A like fee as provided in the preceding subdivision when such writing is done in the land-office, in establishing claims for mineral lands.

Twelfth. Registers and receivers in California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming, and Montana, are each entitled to collect and receive fifty per centum on the fees and commissions provided for in the first, third, and tenth subdivisions of this section.

SEC. 2239. The register for any consolidated land-district, in addition to the fees now allowed by law, shall be entitled to charge and receive for making transcripts for individuals, or furnishing any other record information respecting public lands or land-titles in his consolidated land-district, such fees as are properly authorized by the tariff existing in the local courts of his district; and the receiver shall receive his equal share of such fees, and it shall be his duty to aid the register in the preparation of the transcripts, or giving the desired record information.

SEC. 2240. The compensation of registers and receivers, including salary, fees, and commissions, shall in no case exceed in the aggregate three thousand dollars a year, each; and no register or receiver shall receive for any one quarter or fractional quarter more than a pro-rata allowance of such maximum.

SEC. 2241. Whenever the amount of compensation received at any land-office exceeds the maximum allowed by law to any register or receiver, the excess shall be paid into the Treasury, as other public moneys.

SEC. 2242. No register or receiver shall receive any compensation out of the Treasury for past services who has charged or received illegal fees; and, on satisfactory proof that either of such officers has charged or received fees or other rewards not authorized by law, he shall be forthwith removed from office.

SEC. 2243. The compensation of registers and receivers, both for salary and commissions, shall commence and be calculated from the time they, respectively, enter on the discharge of their duties.

SEC. 2244. All registers and receivers shall be appointed for the term of four years, but shall be removable at pleasure.

SEC. 2245. The receivers shall make to the Secretary of the Treasury monthly returns of the moneys received in their several offices, and pay over such money pursuant to his instructions. And they shall also make to the Commissioner of the General Land Office like monthly returns, and transmit to him quarterly accounts-current of the debits and credits of their several offices with the United States.

SEC. 2246. The register or receiver is authorized, and it shall be their duty, to administer any oath required by law or the instructions of the General Land-Office, in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

SEC. 2247. If any person applies to any register to enter any land whatever, and the register knowingly and falsely informs the person so applying that the same has already been entered, and refuses to permit the person so applying to enter the same, such register shall be liable therefor to the person so applying, for five dollars for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount.

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TITLE XXXII.—THE PUBLIC LANDS.—CH. 4.

Pre-empions.

SEC. 2257. All lands belonging to the United States, to which the Indian title has been or may hereafter be extinguished, shall be subject to the right of pre-emption, under the conditions, restrictions, and stipulations provided by law.

SEC. 2258. The following classes of lands, unless otherwise specially provided for by law, shall not be subject to the rights of pre-emption, to-wit:

First. Lands included in any reservation by any treaty, law, or proclamation of the President, for any purpose.

Second. Lands included within the limits of any incorporated town, or selected as the site of a city or town.

Third. Lands actually settled and occupied for purposes of trade and business, and not for agriculture.

Fourth. Lands on which are situated any known salines or mines.

SEC. 2259. Every person, being the head of a family, or widow, or single person, over the age of twenty-one years, and a citizen of the United States, or having filed a declaration of intention to become such, as required by the naturalization laws, who has made, or hereafter makes, a settlement in person on the public lands subject to pre-emption, and who inhabits and improves the same, and who has erected or shall erect a dwelling thereon, is authorized to enter with the register of the land-office for the district in which such land lies, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land.

SEC. 2260. The following classes of persons, unless otherwise specially provided for by law, shall not acquire any right of pre-emption under the provisions of the preceding sections, to wit:

First. No person who is the proprietor of three hundred and twenty acres of land in any State or Territory.

Second. No person who quits or abandons his residence on his own land to reside on the public land in the same State or Territory.

SEC. 2261. No person shall be entitled to more than one pre-emptive right by virtue of the provisions of section twenty-two hundred and fifty-nine; nor where a party has filed his declaration of intention to claim the benefits of such provisions, for one tract of land, shall he file, at any future time, a second declaration for another tract.

SEC. 2262. Before any person claiming the benefit of this chapter is allowed to enter lands, he shall make oath before the receiver or register of the land-district in which the land is situated that he has never had the benefit of any right of pre-emption under section twenty-two hundred and fifty-nine; that he is not the owner of three hundred and twenty

Penalty for false information by register.

4 July, 1836, c. 352, s. 13, v. 5, p. 112.

Lands subject to pre-emption.

2 June, 1862, c. 94, s. 1, v. 12, p. 413.

Lands not subject to pre-emption.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

Wilcox *vs.* Jackson, 13 Pet., 498; Josephs *vs.* U. S., 1 N. and H., 197; Turner *vs.* American Baptist Union, 5 McLean, 344; U. S. *vs.* Railroad Bridge Co., 6 McLean, 517; Russell *vs.* Beebe, Heinps., 704.

Persons entitled to pre-emption.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

U. S. *vs.* Fitzgerald, 15 Pet., 407; Lytle *vs.* Arkansas, 9 How., 333; Cunningham *vs.* Ashley, 14 How., 377; Barnard's Heirs *vs.* Ashley's Heirs, 18 How., 41; Garland *vs.* Wynn, 20 How., 6; Harkness *vs.* Underhill, 1 Bl., 325; Witherspoon *vs.* Duncan, 4 Wall., 218.

Persons not entitled to pre-emption.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

Limitation of pre-emption right.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.
3 March, 1843, c. 86, s. 4, v. 5, p. 620.

Oath of pre-emptionist, where filed, penalty.

4 Sept., 1841, c. 16, s. 13, v. 5, p. 456.

acres of land in any State or Territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person whatever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; and if any person taking such oath swears falsely in the premises, he shall forfeit the money which he may have paid for such land, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona-fide purchasers, for a valuable consideration, shall be null and void, except as provided in section twenty-two hundred and eighty-eight. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land-office of such district, and to transmit a duplicate copy to the General Land-Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

Proof of settlement; assignment of pre-emption rights.

4 Sept., 1841, c. 16, s. 12, v. 5, p. 456.

Lytle *vs.* Arkansas, 9 How., 331; Cunningham *vs.* Ashley, 14 How., 377; Barnard's Heirs *vs.* Ashley & Heitz, 18 How., 44; Garland *vs.* Wynn, 20 How., 6; Lytle *vs.* Arkansas, 22 How., 193; Harkness *vs.* Underhill, 1 Bl., 35; Lindsey *vs.* Hawse, 2 Bl., 554; Myers *vs.* Croft, 13 Wall., 291.

Statement to be filed by settler with intent to purchase, on lands subject to private entry.

4 Sept., 1841, c. 16, s. 15, v. 5, p. 457.

Claim filed by settler on land not proclaimed for sale.

3 March, 1843, c. 26, s. 5, v. 5, p. 639.

Johnson *vs.* Tawsey, 13 Wall., 72.

Declaratory statement of settlers on unsurveyed lands, when filed.

30 May, 1862, c. 26, s. 7, v. 12, p. 410.

Pre-emption claimants; time of making proof and payment.

14 July, 1870, c. 272, s. 2, v. 16, p. 279. 3 March, 1871, Res. 52, v. 16, p. 601.

SEC. 2263. Prior to any entries being made under and by virtue of the provisions of section twenty-two hundred and fifty-nine, proof of the settlement and improvement thereby required shall be made to the satisfaction of the register and receiver of the land-district in which such lands lies, agreeably to such rules as may be prescribed by the Secretary of the Interior; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

SEC. 2264. When any person settles or improves a tract of land subject at the time of settlement to private entry, and intends to purchase the same under the preceding provisions of this chapter, he shall, within thirty days after the date of such settlement, file with the register of the proper district a written statement, describing the land settled upon, and declaring his intention to claim the same under the pre-emption laws; and he shall, moreover, within twelve months after the date of such settlement, make the proof, affidavit, and payment hereinbefore required. If he fails to file such written statement, or to make such affidavit, proof, and payment within the several periods named above, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

SEC. 2265. Every claimant under the pre-emption law for land not yet proclaimed for sale is required to make known his claim in writing to the register of the proper land-office within three months from the time of the settlement, giving the designation of the tract and the time of settlement; otherwise his claim shall be forfeited and the tract awarded to the next settler, in the order of time, on the same tract of land, who has given such notice and otherwise complied with the conditions of the law.

SEC. 2266. In regard to settlements which are authorized upon unsurveyed lands, the pre-emption claimant shall be in all cases required to file his declaratory statement within three months from the date of the receipt at the district land-office of the approved plat of the township embracing such pre-emption settlement.

SEC. 2267. All claimants of pre-emption rights, under the two preceding sections, shall, when no shorter time is prescribed by law, make the proper proof and payment for the land claimed within thirty months after the date prescribed therein, respectively, for filing their declaratory notices, has expired.

SEC. 2268. Where a pre-emptor has taken the initiatory steps required by law in regard to actual settlement, and is called away from such settlement by being engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land-office to make before the register or receiver the affidavit, proof, and payment, respectively, required by the preceding provisions of this chapter, the time for filing such affidavit and making final proof and entry or location shall be extended six months after the expiration of his term of service, upon satisfactory proof by affidavit, or the testimony of witnesses, that such pre-emptor is so in the service, being filed with the register of the land-office for the district in which his settlement is made.

Extension of time in certain cases to persons in military and naval service.

21 March, 1864, c. 38, s. 5, v. 13, p. 35.

SEC. 2269. Where a party entitled to claim the benefits of the pre-emption laws dies before consummating his claim, by filing in due time all the papers essential to the establishment of the same, it shall be competent for the executor or administrator of the estate of such party, or one of his heirs, to file the necessary papers to complete the same; but the entry in such cases shall be made in favor of the heirs of the deceased pre-emptor, and a patent thereon shall cause the title to inure to such heirs, as if their names had been specially mentioned.

Death before consummating claim; who to complete, &c.

3 March, 1843, c. 86, s. 2, v. 5, p. 620.

SEC. 2270. Whenever the vacancy of the office either of register or receiver, or of both, renders it impossible for the claimant to comply with any requisition of the pre-emption laws within the appointed time, such vacancy shall not operate to the detriment of the party claiming, in respect to any matter essential to the establishment of his claim; but such requisition must be complied with within the same period after the disability is removed as would have been allowed had such disability not existed.

Non-compliance with laws caused by vacancy in office of register or receiver not to affect, &c.

3 March, 1843, c. 86, s. 6, v. 5, p. 620.

SEC. 2271. The provisions of this chapter shall be so construed as not to confer on any one a right of pre-emption, by reason of a settlement made on a tract theretofore disposed of, when such disposal has not been confirmed by the General Land-Office, on account of any alleged defect therein.

No pre-emption of lands sold but not confirmed by Land-Office.

26 Aug., 1842, c. 205, v. 5, p. 534.

SEC. 2272. Nothing in the provisions of this chapter shall be construed to preclude any person, who may have filed a notice of intention to claim any tract of land by pre-emption, from the right allowed by law to others to purchase such tract by private entry after the expiration of the right of pre-emption.

Purchase by private entry after expiration of pre-emption right.

3 March, 1843, c. 86, s. 9, v. 5, p. 621.

SEC. 2273. When two or more persons settle on the same tract of land, the right of pre-emption shall be in him who made the first settlement, provided such person conforms to the other provision of the law; and all questions as to the right of pre-emption arising between different settlers shall be determined by the register and receiver of the district within which the land is situated; and appeals from the decision of district officers, in cases of contest for the right of pre-emption, shall be made to the Commissioner of the General Land-Office, whose decision shall be final, unless appeal therefrom be taken to the Secretary of the Interior.

When more than one settler, rights of, appeals to Commissioner.

4 Sept., 1841, c. 16, s. 11, v. 5, p. 456.
12 June, 1858, c. 154, s. 10, v. 11, p. 326.

Barnard vs. Ashley, 18 How., 43; Garland vs. Wynn, 20 How., 6; Lindsey vs. Hawse, 2 Bl., 554; Minnesota vs. Batchelder, 1 Wall., 109; Johnson vs. Tawseley, 13 Wall., 72.

SEC. 2274. When settlements have been made upon agricultural public lands of the United States, prior to the survey thereof, and it has been or shall be ascertained, after the public surveys have been extended over such lands, that two or more settlers have improvements upon the same legal subdivision, it shall be lawful for such settlers to make joint entry of their lands at the local land-office, or for either of said settlers to enter into contract with his co-settlers to convey to them their portion of said land after a patent is issued to him, and, after making such contract, to file a declaratory statement in his own name, and prove up and pay for said land, and proof of joint occupation by himself and others, and of such contract with them made, shall be equivalent to proof of sole occupa-

Settlements of two or more persons on same subdivision before survey.

3 March, 1873, c. 283, s. 1, v. 17, p. 609.

tion and pre-emption by the applicant: *Provided*, That in no case shall the amount patented under this section exceed one hundred and sixty acres, nor shall this section apply to lands not subject to homestead or pre-emption entry.

SEC. 2275. Where settlements, with a view to pre-emption, have been made before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the pre-emption claim of such settler; and if they, or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented by pre-emptors; and other lands are also appropriated to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever.

SEC. 2276. The lands appropriated by the preceding section shall be selected, within the same land-district, in accordance with the following principles of adjustment, to wit: For each township or fractional township, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters, of a township, three-quarters of a section; for a fractional township, containing a greater quantity of land than one-quarter, and not more than one-half, of a township, one half-section; and for a fractional township, containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one quarter-section of land.

SEC. 2277. All warrants for military bounty-lands, which are issued under any law of the United States, shall be received in payment of pre-emption rights at the rate of one dollar and twenty-five cents per acre, for the quantity of land therein specified; but where the land is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

SEC. 2278. Agricultural-college scrip, issued to any State under the act approved July second, eighteen hundred and sixty-two, or acts amendatory thereof, shall be received from actual settlers in payment of pre-emption claims in the same manner and to the same extent as authorized in case of military bounty-land warrants, by the preceding section.

SEC. 2279. No person shall have the right of pre-emption to more than one hundred and sixty acres along the line of railroads within the limits granted by any act of Congress.

SEC. 2280. Any settler on lands heretofore reserved on account of claims under French, Spanish, or other grants, which have been or may be hereafter declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of pre-emption granted by the preceding provisions of this chapter, after the lands have been released from reservation, in the same manner as if no reservation had existed.

SEC. 2281. All settlers on public lands which have been or may be withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to pre-emption at the ordinary minimum to the lands settled on and cultivated by them; but they shall file the proper notices of their claims and make proof and payment as in other cases.

SEC. 2282. Nothing contained in this chapter shall delay the sale of any of the public lands beyond the time appointed by the proclamation of the President.

SEC. 2283. The Osage Indian trust and diminished-reserve lands in the State of Kansas, excepting the sixteenth and thirty-sixth sections in each township, shall be subject to disposal, for cash only, to actual settlers, in quantities not exceeding one hundred and sixty

Settlements before survey on sections 16 or 36, deficiencies thereof.

26 Feb., 1850, c. 58, v. 11, p. 385.

Selections to supply deficiencies of school lands.

9 Feb., 1859, c. 58, v. 11, p. 285.
20 May, 1856, c. 81, s. 1, v. 4, p. 179.

Military bounty-land warrants receivable for pre-emption payments.

22 March, 1852, c. 19, s. 1, v. 10, p. 3.

Agricultural college scrip receivable in payment of pre-emptions.

1 July, 1870, c. 196, v. 16, p. 186.

Pre-emption limit along railroad lines.

3 March, 1853, c. 143, v. 10, p. 244.

Pre-emption rights on lands reserved for grants found invalid.

3 March, 1853, c. 143, v. 10, p. 244.

Pre-emption rights on lands reserved for railroads.

27 March, 1854, c. 25, v. 10, p. 299.
14 July, 1854, c. 272, s. 2, v. 16, p. 279.

Sale of land not to be delayed, &c.

4 Sept., 1841, c. 16, s. 14, v. 5, p. 457.

Certain lands in Kansas how to be sold.

9 May, 1872, c. 149, s. 1, v. 17, p. 90.

acres, or one quarter-section to each, in compact form, in accordance with the general principles of the pre-emption laws, under the direction of the Commissioner of the General Land-Office; but claimants shall file their declaratory statements as prescribed in other cases upon unoffered lands, and shall pay for the tracts, respectively, settled upon within one year from date of settlement where the plat of survey is on file at that date, and within one year from the filing of the township-plat in the district office where such plat is not on file at date of settlement.

SEC. 2284. The sale or transfer of his claim upon any portion of these lands by any settler prior to the twenty-sixth day of April, eighteen hundred and seventy-one, shall not operate to preclude the right of entry, under the provisions of the preceding section, upon another tract settled upon subsequent to such sale or transfer; but satisfactory proof of good faith must be furnished upon such subsequent settlement.

SEC. 2285. The restrictions of the pre-emption laws, contained in sections twenty-two hundred and sixty and twenty-two hundred and sixty-one, shall not apply to any settler on the Osage Indian trust and diminished-reserve lands in the State of Kansas, who was actually residing on his claim on the ninth day of May, eighteen hundred and seventy-two.

SEC. 2286. There shall be granted to the several counties or parishes of each State and Territory, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter-section of land, in each of the counties or parishes, in trust for such counties or parishes, respectively, for the establishment of seats of justice therein; but the proceeds of the sale of each such quarter-section shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

SEC. 2287. Any bona-fide settler under the homestead or pre-emption laws of the United States who has filed the proper application to enter not to exceed one quarter-section of the public lands in any district land-office, and who has been subsequently appointed a register or receiver, may perfect the title to the land under the pre-emption laws by furnishing the proofs and making the payments required by law, to the satisfaction of the Commissioner of the General Land-Office.

SEC. 2288. Any person who has already settled or hereafter may settle on the public lands, either by pre-emption or by virtue of the homestead law or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead, and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads.

TITLE XXXII.—THE PUBLIC LANDS.—CH. 5.

Homesteads.

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which such person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents per acre; or eighty

Transfer of above claims prior to, &c., subsequent right of entry.

9 May, 1872, c. 149, s. 3, v. 17, p. 90.

Pre-emption restrictions not to apply to certain lands in Kansas.

9 May, 1872, c. 149, s. 3, v. 17, p. 90.

Pre-emptions by counties for seats of justice.

26 May, 1874, c. 169, s. 1, v. 4, p. 50.

Where claimant of entry becomes register or receiver.

20 April, 1871, c. 21, s. 16, v. 17, p. 10.

Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.

Act of 3 March, 1873, c. 266, v. 17, p. 602.

Who may enter certain unappropriated public lands.

20 May, 1862, c. 75, s. 1, v. 12, p. 392.

acres or less of such unappropriated lands at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same have been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

Mode of procedure.

21 June, 1860, c. 127,
s. 2, v. 14, p. 67.
30 May, 1862, c. 75, s.
2, v. 12, p. 392.
21 March, 1864, c. 38,
s. 2, v. 13, p. 35.

SEC. 2290. The person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that he is the head of a family, or is twenty-one years or more of age, or has performed service in the Army or Navy of the United States, and that such application is made for his exclusive use and benefit, and that his entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and upon filing such affidavit with the register or receiver, on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he shall thereupon be permitted to enter the amount of land specified.

Certificate and patent, when given and issue d.

21 June, 1860, c. 127,
s. 2, v. 14, p. 67.

SEC. 2291. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law.

When rights inure to the benefit of infant children.

21 June, 1860, c. 127,
s. 2, v. 14, p. 67.

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office fees and sum of money above specified.

Persons in military or naval service, when and before whom to make affidavit.

21 March, 1864, c. 38,
s. 1, v. 13, p. 35.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter; but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land-office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

When persons may make affidavit before clerk of court.

21 March, 1864, c. 38,
s. 3, v. 13, p. 35.

SEC. 2294. In any case in which the applicant for the benefit of the homestead, and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, is prevented,

by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land-office, it may be lawful for him to make the affidavit required by law before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commissions, to the register and receiver.

SEC. 2295. The register of the land-office shall note all applications under the provisions of this chapter, on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land-Office, together with the proof upon which they have been founded.

SEC. 2296. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

SEC. 2297. If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land-office, that the person having filed such affidavit has actually changed his residence, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government.

SEC. 2298. No person shall be permitted to acquire title to more than one quarter-section under the provisions of this chapter.

SEC. 2299. Nothing contained in this chapter shall be so construed as to impair or interfere in any manner with existing pre-emption rights; and all persons who may have filed their applications for a pre-emption right prior to the twentieth day of May, eighteen hundred and sixty-two, shall be entitled to all the privileges of this chapter.

SEC. 2300. No person who has served, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section twenty-two hundred and eighty-nine, from paying the minimum price for the quantity of land so entered, at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases directed by law, on making proof of settlement and cultivation as provided by law, granting pre-emption rights.

SEC. 2302. No distinction shall be made in the construction or execution of this chapter on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

SEC. 2303. All the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this chapter.

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteen, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as

Record of applications.

20 May, 1862, c. 75, s. 3, v. 12, p. 393.

Homestead lands not to be subject to prior debts.

20 May, 1862, c. 75, s. 4, v. 12, p. 393.

When lands entered for homestead revert to Government.

20 May, 1862, c. 75, s. 5, v. 12, p. 393.

Limitation of amount entered for homestead.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

Existing pre-emption rights not impaired.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

What minors may have the privileges of this chapter.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

Payments before expiration of five years, rights of applicant.

20 May, 1862, c. 75, s. 8, v. 12, p. 393.

No distinction on account of race or color, &c.

21 June, 1866, c. 127, s. 1, v. 14, p. 67.

21 June, 1866, c. 127, s. 1, v. 14, p. 67. Repealed.

22 June, 1876, c. 165, v. 19, p. 73.

Soldiers' and sailors' homestead.

8 June, 1872, c. 338, s. 1, v. 17, p. 333.

hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public land along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps, shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

SEC. 2306. Every person entitled, under the provisions of section twenty-three hundred and four, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section twenty-three hundred and four, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvement therein contained; but if such person died during his term of enlistment, the whole term of his enlistment shall be deducted from the time heretofore required to perfect the title.

SEC. 2308. Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section twenty-three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

SEC. 2310. Each of the chiefs, warriors, and heads of families of the Stockbridge Munsee tribes of Indians residing in the county of Shawana, State of Wisconsin, may, under the direction of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of this chapter, free from any fee or charge; and any part of their present reservation, which is abandoned for that purpose, may be sold, under the direction of the

Deduction of military and naval service from time, &c.

8 June, 1872, c. 338, s. 1, v. 17, p. 333.

Persons who have entered less than 60 acres, rights of.

8 June, 1872, c. 338, s. 2, v. 17, p. 333.

Widow and minor children of persons entitled to homestead, &c.

8 June, 1872, c. 338, s. 3, v. 17, p. 333.

Actual service in the Army or Navy equivalent to residence, &c.

8 June, 1872, c. 338, s. 4, v. 17, p. 333.

Who may enter by agent.

8 June, 1872, c. 338, s. 5, v. 17, p. 334.

Chiefs, &c., of Stockbridge Munsee, homestead rights of.

3 March, 1865, c. 127, s. 4, v. 13, p. 522.

Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on homesteads, to aid them in improving the same.

SEC. 2311. The homestead secured, by virtue of the preceding section, shall not be subject to any tax, levy, or sale; nor shall it be sold, conveyed, mortgaged, or in any manner incumbered, except upon the decree of the district court of the United States, as provided in the following section:

SEC. 2312. Whenever any of the chiefs, warriors, or heads of families of the tribes mentioned in section twenty-three hundred and ten, having filed with the clerk of the district court of the United States a declaration of his intention to become a citizen of the United States, and to dissolve all relations with any Indian tribe, two years previous thereto, appears in such court, and proves to the satisfaction thereof, by the testimony of two citizens, that for five years last past he has adopted the habits of civilized life; that he has maintained himself and family by his own industry; that he reads and speaks the English language; that he is well disposed to become a peaceable and orderly citizen; and that he has sufficient capacity to manage his own affairs; the court may enter a decree admitting him to all the rights of a citizen of the United States, and thenceforth he shall be no longer held or treated as a member of any Indian tribe, but shall be entitled to all the rights and privileges, and be subject to all the duties and liabilities to taxation of other citizens of the United States. But nothing herein contained shall be construed to deprive such chiefs, warriors, or heads of families of annuities to which they are or may be entitled.

SEC. 2313. The unoccupied lands in the reservation made for the Ottawa and Chippewa Indians, of Michigan, by the treaty of July thirty-one, eighteen hundred and fifty-five, shall be open to homestead entry for six months from the tenth day of June, eighteen hundred and seventy-two, by Indians only of those tribes who have not made selections or purchases under the treaty, including such members of the tribes as have become of age since the expiration of the ten years named in the treaty; and every Indian so entitled shall be permitted to make his homestead entry, at the local land-office, within such six months, of not exceeding one hundred and sixty acres, or one quarter-section of minimum, or eighty acres of double-minimum land, on making proper proof of his right, under such rules as may be prescribed by the Secretary of the Interior.

SEC. 2314. The collector of customs for the district in which such land is situated, is authorized, and it is made his duty, to select for such minor children as would be entitled, under the preceding section, as the heirs of any Indian.

SEC. 2315. All actual, permanent, bona fide settlers on any of such lands who settled prior to the first day of January, eighteen hundred and seventy-two, shall be entitled to enter either under the homestead laws, or to pay for at the minimum or double-minimum price, as the case may be, not exceeding one hundred and sixty acres of the former, or eighty acres of the latter class of land on making proof of his settlement and continued residence before the expiration of six months from the tenth day of June, eighteen hundred and seventy-two.

SEC. 2316. All selections of such lands by Indians heretofore made and regularly reported and recognized as valid and proper by the Secretary of the Interior and Commissioner of Indian Affairs, shall be patented to the respective Indians making the same; and all sales heretofore made and reported, where the same are regular and not in conflict with such selections, or with any other valid adverse right, except of the United States, are confirmed, and patents shall issue thereon as in other cases according to law.

Exemptions of
homestead of Stock-
bridge Mmseees.

3 March, 1865, c. 127,
s. 4, v. 13, p. 562.

Stockbridge Mun-
sees becoming citizens.

3 March, 1865, c. 127,
s. 4, v. 13, p. 562.

Unsold lands of the
Ottawa and Chippewa
Indians, how opened-
for homestead.

10 June, 1872, c. 424,
s. 2, v. 17, p. 381.

Selections for minors
under preceding sec-
tion.

10 June, 1872, c. 424,
s. 2, v. 17, p. 381.

Bona-fide settlers on
above lands prior to,
&c.

10 June, 1872, c. 424,
s. 3, v. 17, p. 381.

Certain lands to be
patented to Indians
making selection.

10 June, 1872, c. 424,
s. 4, v. 17, p. 381.

Cultivation of trees
on homestead tracts.

3 March, 1873, c. 277,
s. 4, v. 17, p. 609.

SEC. 2317. Every person having a homestead on the public domain, under the provisions of this chapter, who, at the end of the third year of his residence thereon, shall have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good, thrifty condition, for each and every sixteen acres of such homestead shall, upon due proof of the fact by two credible witnesses, receive his patent for such homestead.

* * * * *

TITLE LXX.—CRIMES.—CH. 4.

Perjury.

30 April, 1790, c. 9, s.
18, v. 1, p. 116.
3 March, 1825, c. 65,
s. 13, v. 4, p. 118.

U. S. ex Passmore, 4
Dall., 372; U. S. ex
Bailey, 9 Pet., 238; U.
S. ex Wood, 14 Pet.,
430; U. S. ex Nickers-
sen, 17 How., 204; U.
S. ex Clark, 1 Gullis,
497; U. S. ex Kend-
rick, 2 Mas., 99.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years, and shall, moreover, thereafter, be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. [See § 1750.]

[No. 2.]

AN ACT to amend section twenty-two hundred and ninety-one of the Revised Statutes of the United States, in relation to proof required in homestead entries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the proof of residence, occupation, or cultivation, the affidavit of non-alienation, and the oath of allegiance, required to be made by section twenty-two hundred and ninety-one of the Revised Statutes of the United States, may be made before the judge, or, in his absence, before the clerk of any court of record of the county and State, or district and Territory, in which the lands are situated; and if said lands are situated in any unorganized county, such proof may be made in a similar manner in any adjacent county in said State or Territory; and the proof, affidavit, and oath, when so made and duly subscribed, shall have the same force and effect as if made before the register or receiver of the proper land-district; and the same shall be transmitted by such judge, or the clerk of his court, to the register and the receiver, with the fee and charges allowed by law to him; and the register and receiver shall be entitled to the same fees for examining and approving said testimony as are now allowed by law for taking the same.

SEC. 2. That if any witness making such proof, or the said applicant making such affidavit or oath, swears falsely as to any material matter contained in said proof, affidavits, or oaths, the said false swearing being willful and corrupt, he shall be deemed guilty of perjury, and shall be liable to the same pains and penalties as if he had sworn falsely before the register.

Approved March 3, 1877.

[No. 3.]

AN ACT for the relief of settlers on the public lands under the pre-emption laws.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any person who has made a settlement on the public lands under the pre-emption laws shall change his filing to that for a homestead entry, the time required to perfect his title under the homestead laws shall be computed from the date of his original settlement made under the pre-emption laws.

Approved March 3, 1877.

AN ACT to amend the act entitled "An Act to encourage the growth of timber on western prairies."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An Act to encourage the growth of timber on western prairies," approved March third, eighteen hundred and seventy-three, be, and the same is hereby amended so as to read as follows: That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, who shall plant, protect, and keep in a healthy growing condition for eight years, forty acres of timber, the trees thereon not being more than twelve feet apart each way, on any quarter section of any of the public lands of the United States, or twenty acres on any legal subdivision of eighty acres, or ten acres on any legal subdivision of forty acres, or one-fourth part of any fractional subdivision of land less than forty acres, shall be entitled to a patent for the whole of said quarter section, or of such legal subdivision of eighty or forty acres, or fractional subdivision of less than forty acres, as the case may be, at the expiration of said eight years, on making proof of such fact by not less than two credible witnesses: *Provided,* That not more than one quarter of any section shall be thus granted, and that no person shall make more than one entry under the provisions of this act, unless fractional subdivisions of less than forty acres are entered which, in the aggregate, shall not exceed one quarter section.

SEC. 2. That the person applying for the benefit of this act shall, upon application to the register of the land district in which he or she is about to make such entry, make affidavit before the register, or the receiver, or some officer authorized to administer oaths in the district where the land is situated, who is required by law to use an official seal, that said entry is made for the cultivation of timber, and upon filing said affidavit with said register and said receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified; and the party making an entry of a quarter section under the provisions of this act shall be required to break ten acres of land covered thereby the first year, ten acres the second year, and twenty acres the third year after date of entry, and to plant ten acres of timber the second year, ten acres the third year, and twenty acres the fourth year after date of entry. A party making an entry of eighty acres shall break and plant, at the times hereinbefore prescribed, one-half of the quantity required of a party who enters a quarter section; and a party entering forty acres shall break and plant, at the times hereinbefore prescribed, one-quarter of the quantity required of a party who enters a quarter section, or a proportionate quantity for any smaller fractional subdivision: *Provided, however,* That no final certificate shall be given or patent issued for the land so entered until the expiration of eight years from the date of such entry; and if at the expiration of such time, or at any time within five years thereafter, the person making such entry, or, if he or she be dead, his or her heirs, or legal representatives, shall prove, by two credible witnesses, that he, or she, or they have planted, and, for not less than eight years, have cultivated and protected, such quantity and character of timber as aforesaid, they shall receive a patent for such quarter section or legal subdivision of eighty or forty acres of land, or for any fractional quantity of less than forty acres, as herein provided. And in case of the death of a person who has complied with the provisions of this act for the period of three years, his heirs or legal representatives shall have the option to comply with the provisions of this act, and receive, at the expiration of eight years, a patent for one hundred and sixty acres, or receive without delay a patent for forty acres, relinquishing all claim to the remainder.

SEC. 3. That if at any time after the filing of said affidavit, and prior to the issuing of the patent for said land, the claimant shall abandon the land, or fail to do the breaking and planting required by this act, or any part thereof, or shall fail to cultivate, protect, and keep in good condition such timber, then, and in that event, such land shall be subject to entry under the homestead laws, or by some other person under the provisions of this act: *Provided,* That the party making claim to said land, either as a homestead

settler or under this act, shall give, at the time of filing his application, such notice to the original claimant as shall be prescribed by the rules established by the Commissioner of the General Land Office, and the rights of the parties shall be determined as in other contested cases.

SEC. 4. That each and every person who, under the provisions of the act entitled "An Act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, or any amendment thereto, having a homestead on said public domain, who, at any time after the end of the third year of his or her residence thereon, shall, in addition to the settlement and improvements now required by law, have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good thrifty condition, for each and every sixteen acres of said homestead, shall, upon due proof of such fact by two credible witnesses, receive his or her patent for said homestead.

SEC. 5. That no land acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of certificate therefor.

SEC. 6. That the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall each be entitled to receive two dollars at the time of entry, and the same sum when the claim is finally established and the final certificate issued.

SEC. 7. That the fifth section of the act entitled "An Act in addition to an act to punish crimes against the United States, and for other purposes," approved March third, eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits required or authorized by this act.

SEC. 8. That parties who have already made entries under the act approved March third, eighteen hundred and seventy-three, of which this is amendatory, shall be permitted to complete the same upon full compliance with the provisions of this act.

Approved March 13, 1874.

[No. 5.]

AN ACT making appropriations to supply deficiencies in the appropriations for fiscal years ending June thirtieth, eighteen hundred and seventy-five, and prior years, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * * * *

SEC. 15. That any Indian, born in the United States, who is the head of a family, or who has arrived at the age of twenty-one years, and who has abandoned, or may hereafter abandon, his tribal relations, shall, on making satisfactory proof of such abandonment under rules to be prescribed by the Secretary of the Interior, be entitled to the benefits of the act entitled "An Act to secure homesteads to actual settlers on the public domain," approved May twentieth, eighteen hundred and sixty-two, and the acts amendatory thereof, except that the provisions of the eighth section of the said act shall not be held to apply to entries made under this act: *Provided, however,* That the title to lands acquired by any Indian by virtue hereof shall not be subject to alienation or incumbrance, either by voluntary conveyance, or the judgment, decree, or order of any court, and shall be and remain inalienable for a period of five years from the date of the patent issued therefor: *Provided,* That any such Indian shall be entitled to his distributive share of all annuities, tribal funds, lands, and other property, the same as though he had maintained his tribal relations; and any transfer, alienation, or incumbrance of any interest he may hold or claim by reason of his former tribal relations shall be void.

SEC. 16. That in all cases in which Indians have heretofore entered public lands under the Homestead law, and have proceeded in accordance with the regulations prescribed by the Commissioner of the General Land Office, or in which they may hereafter be allowed to so enter under said regulations prior to

the promulgation of regulations to be established by the Secretary of the Interior under the fifteenth section of this act, and in which the conditions prescribed by law have been or may be complied with, the entries so allowed are hereby confirmed, and patents shall be issued thereon; subject, however, to the restrictions and limitations contained in the fifteenth section of this act in regard to alienation and incumbrance.

Approved March 3, 1875.

[No. 6.]

CASH APPLICATION.

No. ———.

LAND OFFICE AT ———,

(Date) ———, 187 —.

I, ———, of ——— county, ———, do hereby apply to purchase the ——— of section ———, in township ———, of range ———, containing ——— acres, according to the returns of the surveyor general, for which I have agreed with the register to give at the rate of ——— per acre.

I, ———, register of the land office at ———, do hereby certify that the lot above described contains ——— acres, as mentioned above, and that the price agreed upon is ——— per acre.

———, *Register.*

[No. 7.]

CASH RECEIPT.

No. ———.

RECEIVER'S OFFICE AT ———,

(Date) ———, 187 —.

Received from ———, of ——— county, ———, the sum of ——— dollars and ——— cents; being in full for the ——— quarter of section No. ———, in township No. ———, of range No. ———, containing ——— acres and ——— hundredths, at \$——— per acre.

———, *Receiver.*

\$———.

[No. 8.]

CASH CERTIFICATE.

No. ———.

LAND OFFICE AT ———,

(Date) ———, 187 —.

It is hereby certified that, in pursuance of law, ———, of ——— county, State of ———, on this day purchased of the register of this office the lot or ——— of section No. ———, in township No. ———, of range No. ———, containing ——— acres, at the rate of ——— dollars and ——— cents per acre, amounting to ——— dollars and ——— cents, for which the said ——— made payment in full as required by law.

Now, therefore, be it known that on presentation of this certificate to the Commissioner of the General Land Office, the said ——— shall be entitled to receive a patent for the lot above described.

———, *Register.*

[No. 9.]

§ ———.

LAND OFFICE AT ———, ———,
(Date) ———, 187—

Mr. ——— has this day paid ——— dollars, the register's and receiver's fees, to file a declaratory statement, the receipt whereof is hereby acknowledged.

—————, *Receiver.*

No. ———.

Mr. ———, having paid the fees, has this day filed in this office his declaratory statement, No. ———, for ——— of section ———, in township ———, of range ———, containing ——— acres, settled upon ———, 18—, being ——— offered.

—————, *Register.*

[No. 10.]

DECLARATORY STATEMENT FOR CASES WHERE THE LAND IS NOT SUBJECT TO PRIVATE ENTRY.

I, ———, of ———, being ———, have, on the ——— day of ———, A. D. 18—, settled and improved the ——— quarter of section number ———, in township number ———, of range number ———, in the district of lands subject to sale at the land office at ———, and containing ——— acres, which land has not yet been offered at public sale, and thus rendered subject to private entry; and I do hereby declare my intention to claim the said tract of land as a pre-emption right under section 2259 of the Revised Statutes of the United States.

Given under my hand this ——— day of ———, A. D. 18—. ———.

In presence of ———.

[No. 11.]

DECLARATORY STATEMENT FOR CASES WHERE THE LAND CLAIMED IS SUBJECT TO PRIVATE ENTRY.

I, ———, of ———, being ———, have, since the 1st day of ———, A. D. 18—, settled and improved the ——— quarter of section number ———, in township number ———, of range number ———, in the district of lands subject to sale at the land office at ———, and containing ——— acres, which land *has been rendered subject to private entry* prior to my settlement thereon; and I do hereby declare my intention to claim the said tract of land as a pre-emption right, under section 2259, of the Revised Statutes of the United States.

Given under my hand this ——— day of ———, A. D., 18—. ———.

In presence of ———.

[No. 12.]

AFFIDAVIT REQUIRED OF PRE-EMPTION CLAIMANT.

I, _____, claiming the right of pre-emption, under section 2259 of the Revised Statutes of the United States, to the _____ quarter of section number _____, of township number _____, of range number _____, subject to sale at _____, do solemnly _____ that I have never had the benefit of any right of pre-emption under said section; that I am not the owner of three hundred and twenty acres of land in any State or Territory of the United States, nor have I settled upon and improved said land to sell the same on speculation, but in good faith to appropriate it to my own exclusive use or benefit; and that I have not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whomsoever, by which the title which I may acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except myself.

I, _____, of the land office at _____, do hereby certify that the above affidavit was taken and subscribed before me this _____ day of _____, A. D. 18—.

[No. 13.]

We, _____, _____, do solemnly swear that _____,* _____ and is an inhabitant of the _____ quarter of section number _____, of township number _____, of range number _____, and that no other person resided upon the said land, entitled to the right of pre-emption. That the said _____ entered upon and made settlement in person on the said land since the _____ day of _____, 18—, to wit, on the _____ day of _____, 18—, and has lived in the said house, and made it his exclusive home, from the _____ day of _____, 18—, until the present time. That he did not remove from his own land within the State of _____ to make the settlement above referred to; and that he has since said settlement plowed, fenced, and cultivated about _____ acres of said land.

I, _____, do hereby certify that the above affidavit was taken and subscribed before me this _____ day of _____, A. D. 18—.

We certify that _____, _____, whose name _____ subscribed to the foregoing affidavit, _____ person— of respectability.

_____, *Register.*
_____, *Receiver.*

[No. 14.]

HOMESTEAD.

APPLICATION {
No. _____ }

LAND OFFICE AT _____,
(Date) _____, 187—.

I, _____, of _____, do hereby apply to enter, under section 2289 of the Revised Statutes of the United States, the _____ of section _____, in township _____, of range _____, containing _____ acres.

LAND OFFICE AT _____,
(Date) _____, 187—.

I, _____, register of the land office, do hereby certify that the above application is for surveyed lands of the class which the applicant is legally entitled to enter under section 2289 of the Revised Statutes of the United States, and that there is no prior, valid, adverse right to the same.

_____, *Register.*

* Here state the personal qualifications prescribed in section 2259 of the Revised Statutes.

[No. 15.]

HOMESTEAD.

AFFIDAVIT.

LAND OFFICE AT _____,
(Date) _____, 187—.

I, _____, of _____, having filed my application, No. _____, for an entry under section 2289 of the Revised Statutes of the United States, do solemnly swear that *[here state whether the applicant is the head of a family, or over twenty-one years of age; whether a citizen of the United States, or has filed his declaration of intention of becoming such; or, if under twenty-one years of age, that he has served not less than fourteen days in the Army or Navy of the United States during actual war; that said application, No. _____, is made for his or her exclusive benefit; and that said entry is made for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever,]* and that I have not heretofore had the benefit of said section 2289.

Sworn to and subscribed, this _____ day of _____, before

_____,
Register, [or Receiver.]

[No. 16.]

RECEIVER'S RECEIPT, No. _____.

APPLICATION No. _____.

HOMESTEAD.

RECEIVER'S OFFICE _____,
(Date) _____, 18—.

Received from _____, of _____ county _____, the sum of _____ dollars and _____ cents, being the amount of fee and compensation of register and receiver for the entry of _____ of section _____, in township _____ of range _____, under section _____ Revised Statutes of the United States.

_____, Receiver.

\$ _____.

[No. 17.]

FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.

Section No. 2291, Revised Statutes of the United States.

I, _____, having made a homestead entry of the _____ section No. _____, in township No. _____, of range No. _____, subject to entry at _____ under the first section of the homestead act of _____, do now apply to perfect my claim thereto by virtue of section No. 2291, Revised Statutes of the United States; and for that purpose do solemnly _____ that _____ a citizen of the United States; that I have made actual settlement upon and have cultivated said land, having resided thereon since the _____ day of _____, 18—, to the present time; that no part of said land has been alienated, but that I am the sole bona fide owner as an actual settler; and that I will bear true allegiance to the Government of the United States.

I, _____, of the land office at _____, do hereby certify that the above affidavit was taken and subscribed before me this _____ day of _____, 187—.

[No. 18.]

FINAL HOMESTEAD PROOF REQUIRED UNDER SECTION 2291 OF THE REVISED
STATUTES OF THE UNITED STATES.

We, _____, _____, do solemnly _____ that we have known _____ for _____ years last past; that he is _____ consisting of _____ and _____ a citizen of the United States; that he is an inhabitant of the _____ of section No. _____ in township No. _____ of range No. _____, and that no other person resided upon the said land entitled to the right of homestead or pre-emption.

That the said _____ entered upon and made settlement on said land on the _____ day of _____, 18—, and has built a house thereon _____, and has lived in the said house and made it his exclusive home from the _____ day of _____, 18—, to the present time, and that he has, since said settlement, plowed, fenced, and cultivated about _____ acres of said land, and has made the following improvements thereon, to wit: _____.

_____.

I, _____, do hereby certify that the above affidavit was taken and subscribed before me this _____ day of _____, 18—.

_____.

We certify that _____, whose names are subscribed to the foregoing affidavit, are persons of respectability.

_____, *Register*.
_____, *Receiver*.

[No. 19.]

FINAL RECEIVER'S RECEIPT, No. _____.

APPLICATION No. _____.

HOMESTEAD.

RECEIVER'S OFFICE, _____,
(Date) _____, 18—.

Received from _____, of _____ county, _____, the sum of _____ dollars and _____ cents, being the balance of payment required by law for the entry of the _____ of section _____ in township _____ of range _____, containing _____ acres, under section _____ of the Revised Statutes of the United States.

_____, *Receiver*.

\$ _____.

[No. 20.]

HOMESTEAD.

LAND OFFICE AT _____,
(Date) _____, 18—.

FINAL CERTIFICATE No. _____.

APPLICATION No. _____.

It is hereby certified, pursuant to section No. 2291, Revised Statutes of the United States, that _____, of _____ county, _____, has made payment in full for _____ of section No. _____, in township No. _____, of range No. _____, containing _____ acres.

Now, therefore, be it known, that on presentation of this certificate to the Commissioner of the General Land Office, the said _____ shall be entitled to a patent for the tract of land above described.

_____, *Register*.

[No. 21.]

COMMUTATION PROOF UNDER SECTION 2301 OF THE REVISED STATUTES.

I, _____, claiming the right to commute, under section 2301 of the Revised Statutes, my homestead entry No. _____, made upon the _____ of section _____, in township _____, of range _____, do solemnly swear that I made settlement upon said land on the _____ day of _____, 18—, and that since said date, to wit: on the _____ day of _____, 18—, I have built a house on said land, and have continued to reside therein up to the present time, and that I have broken and cultivated _____ acres of said land.

I further swear that I have not heretofore had the benefit of the homestead laws, nor abandoned an entry previously made under their provisions.

_____.

LAND OFFICE, _____.

Sworn and subscribed to before me this _____ day of _____.

_____, *Register*.

We, _____, _____, do solemnly swear that we have known _____ for _____; that he is a citizen of the United States, and is an inhabitant of the _____ of section _____, township _____, range _____; that the said _____ entered upon and made settlement in person on the said land on the _____ day of _____, 18—.

He has built a house on said land, and has lived in said house and made it his home from the _____ day of _____, 18—, until the present time, and that he has, since said settlement, made the following improvements on said land, to wit: _____, and has plowed, fenced, and cultivated about _____ acres.

_____,
_____.

LAND OFFICE, _____,

Sworn and subscribed to before me this _____ day of _____, 18—.

_____, *Register*.

[No. 22.]

ADJOINING FARM HOMESTEAD.

AFFIDAVIT.

LAND OFFICE AT _____,

(Date) _____, 187—.

I, _____, of _____, having filed my application No. _____, for an entry under the provisions of the act of Congress approved May 20, 1862, entitled "An Act to secure homesteads to actual settlers on the public domain," do solemnly swear that _____, [*here state whether the applicant is the head of a family, or over twenty-one years of age; whether a citizen of the United States, or has filed his declaration of intention of becoming such, or, if under twenty-one years of age, that he has served not less than fourteen days in the Army or Navy of the United States during actual war;*] that said entry is made for my own exclusive benefit, and not directly or indirectly for the benefit or use of any other person or persons whomsoever; neither have I heretofore perfected or abandoned an entry made under this act; that the land embraced in the said application No. _____, is intended for an adjoining farm homestead; that I now own and reside upon an original farm containing _____ acres, *and no more*; that the same comprises the _____ of section _____, township _____, range _____, and is contiguous to the tract this day applied for.

_____.

Sworn to and subscribed this _____ day of _____, before

_____,
_____ of the Land Office.

[No. 23.]

FINAL AFFIDAVIT REQUIRED OF ADJOINING FARM HOMESTEAD CLAIMANTS.

Section 2291, Revised Statutes.

I, _____, having made a homestead entry of the _____ section No. _____, in township No. _____, of range No. _____, subject to entry at _____, for the use of an adjoining farm owned and occupied by me on the _____ of section No. _____, in township No. _____, of range No. _____, under section 2289 of the Revised Statutes, do now apply to perfect my claim thereto by virtue of section No. 2291 of the same, and for that purpose do solemnly _____ that I am a citizen of the United States; that I have continued to own and occupy the land constituting my original farm, having resided thereon since the _____ day of _____, 18—, to the present time, and have made use of the said entered tract as a part of my homestead, and have improved the same in the following manner, viz: _____. That no part of said land has been alienated, but that I am the sole bona fide owner as an actual settler; that I will bear true allegiance to the Government of the United States; and, further, that I have not heretofore perfected or abandoned an entry under the homestead laws.

I, _____, of the land office at _____, do hereby certify that the above affidavit was taken and subscribed before me this _____ day of _____, 18—.

[No. 24.]

FINAL HOMESTEAD PROOF REQUIRED UNDER SECTION 2291 OF THE REVISED STATUTES OF THE UNITED STATES IN ADJOINING FARM CASES.

We, _____, _____, do solemnly _____ that we have known _____ for _____ years last past; that he is _____ consisting of _____, and a citizen of the United States; that he is an inhabitant of the _____ of section No. _____, in township No. _____, of range No. _____, being the original farm tract owned and occupied by him, and the adjoining tract entered by him for the use thereof, as per entry No. _____; and that no other person resided upon the said land entitled to the right of homestead or pre-emption.

That the said _____ has a house thereon, _____ and has lived in the said house and made it his exclusive home from the _____ day of _____, 18—, to the present time, and that he has, since the date of his homestead entry, plowed, fenced, and cultivated about _____ acres of said land, and has made the following improvements on the entered tract, viz: _____.

I, _____, do hereby certify that the above affidavit was taken and subscribed before me this _____ day of _____, 18—.

We certify that _____, _____, whose names are subscribed to the foregoing affidavit, are persons of respectability.

_____, *Register.*
_____, *Receiver.*

[No. 25.]

SOLDIER'S HOMESTEAD.

Section 2304 of the Revised Statutes of the United States.

HOMESTEAD DECLARATION.

No. —.

LAND OFFICE AT ————

(Date) ————, 187—.

I, ————, do hereby declare and give notice that I claim for a homestead, under section 2304 of the Revised Statutes of the United States, granting homesteads to honorably discharged soldiers and sailors, their widows and orphans, the ———— of section ————, of township ————, of range ————, containing ———— acres; and I further declare that I take the said tract of land for actual settlement and cultivation, and for my own use and benefit.

Per ————, *his Attorney in fact.*

[No. 26.]

SOLDIER'S HOMESTEAD.

Section 2304 of the Revised Statutes of the United States.

APPLICATION.

LAND OFFICE AT ————,

(Date) ————, 187—.

I, ————, hereby apply to enter, under section 2304 of the Revised Statutes of the United States, the ———— of section ————, of township ————, of range ————, containing ———— acres, and for which I filed my declaration on the ———— day of ————, ————, through ————, my duly-appointed agent.

I, ————, register of the land office at ————, do hereby certify that ———— filed the above application at this office on the ———— day of ————, ————, and that he has taken the oath and paid the fees and commissions prescribed by law.

———, *Register.*

[No. 27.]

SOLDIER'S HOMESTEAD.

Section 2304 of the Revised Statutes of the United States.

AFFIDAVIT.

No. —.

LAND OFFICE AT ————,

(Date) ————, 187—.

I, ————, of ————, do solemnly swear that I am a ————, of the age of twenty-one years, and a citizen of the United States; that I served for ninety days in company ————, ———— regiment, United States volunteers; that I was mustered into the United States military service the ———— day of ————, ————, and was honorably discharged therefrom on the ———— day of ————, ————; that I have since borne true allegiance to the Government; and that I have made my application, No. —, to

enter a tract of land under section 2304 of the Revised Statutes of the United States, giving homesteads to honorably discharged soldiers and sailors, their widows and orphan children; that I have made said application in good faith; and that I take said homestead for the purpose of actual settlement and cultivation, and for my own exclusive use and benefit, and for the use and benefit of no other person or persons whomsoever; and that I have not heretofore acquired a title to a tract of land under the homestead laws, or voluntarily relinquished or abandoned an entry heretofore made under said laws: So help me God.

Sworn to and subscribed before me, _____, register of the land office at _____, this _____ day of _____, 187—.

_____, *Register.*

[No. 28.]

ADDITIONAL ENTRY UNDER SECTION 2306 OF THE REVISED STATUTES OF THE UNITED STATES.

APPLICATION.

No. _____.

LAND OFFICE AT _____,
(Date) _____, 187—.

I, _____, of _____ county, State of _____, being entitled to the benefits of section 2306 of the Revised Statutes of the United States, granting additional lands to soldiers and sailors who served in the war of the rebellion, do hereby apply to enter the _____ of section _____, of township _____, of range _____, containing _____ acres, as additional to my original homestead on the _____ of section _____, of township _____, of range _____, containing _____ acres, which I entered _____, 18—, per homestead No. _____.

LAND OFFICE AT _____,
(Date) _____, 187—.

I, _____, register of the land office at _____, do hereby certify that _____ filed the above application before me for the tract of land therein described, and that he has paid the fee and commissions prescribed by law.

_____, *Register.*

[No. 29.]

ADDITIONAL ENTRY UNDER SECTION 2306 OF THE REVISED STATUTES OF THE UNITED STATES.

LAND OFFICE AT _____,
(Date) _____, 187—.

FINAL CERTIFICATE }
No. _____.

{ APPLICATION
No. _____.

It is hereby certified that, pursuant to the provisions of section 2306 of the Revised Statutes of the United States, _____ has paid the fee and commissions, and made entry of the _____ of section _____, of township _____, of range _____, containing _____ acres, which added to the quantity embraced in his original homestead No. —, on which he has made final proof, as per certificate No. —, does not exceed one hundred and sixty acres.

Now, therefore, be it known that, on presentation of this certificate to the Commissioner of the General Land Office, the said _____ shall be entitled to a patent for the tract of land above described.

_____, *Register.*

[No. 30.]

INDIAN HOMESTEAD UNDER ACT MARCH 3, 1875.

AFFIDAVIT.

I, _____, of _____, having filed my application, No. —, for an entry under the provisions of the act of Congress of March 3, 1875, do solemnly swear that I am an Indian, formerly of the _____ tribe; that I was born in the United States; that I have abandoned my relations with that tribe, and adopted the habits and pursuits of civilized life; [*here state whether the applicant is twenty-one years of age, or the head of a family;*] that I desire said land for the purpose of actual settlement and cultivation, and not, directly or indirectly, for the use or benefit of any other person or persons whomsoever; and that I have not heretofore had the benefit of said act.

Sworn to and subscribed before me this _____ day of _____, 18—.

_____,
Register, [*or Receiver.*]

[No. 31.]

CORROBORATIVE AFFIDAVIT—INDIAN HOMESTEAD—UNDER ACT MARCH 3, 1875.

_____ and _____ do solemnly swear that we are well acquainted with _____, and know that he is an Indian, formerly of the _____ tribe; that he was born in the United States; that he has abandoned his relations with that tribe, and adopted the habits and pursuits of civilized life; [*here state that he is twenty-one years of age, or, if not, that he is the head of a family.*]

Sworn to and subscribed before me this _____ day of _____, 18—.

[No. 32.]

TIMBER-CULTURE—ACT OF MARCH 13, 1874.

APPLICATION No. —.

I, _____, hereby apply to enter, under the provisions of the first section of the act of March 13, 1874, entitled "An Act to amend the act entitled 'An Act to encourage the growth of timber on western prairies,'" the _____ of section _____, in township _____, of range _____, containing _____ acres.

LAND OFFICE AT _____,
(Date) _____, 187—.

I, _____, register of the land office, do hereby certify that the above application is for the class of lands which the applicant is legally entitled to enter under the provisions of the first section of the timber-culture act of March 13, 1874; that there is no prior, valid, adverse right to the same, and that the land therein described, together with the lands heretofore entered under this act and the act of March 3, 1873, of which this is amendatory, in the said section, does not exceed one quarter thereof.

_____, Register.

[No. 33.]

TIMBER-CULTURE—ACT OF MARCH 13, 1874.

AFFIDAVIT.

LAND OFFICE AT _____,

(Date) _____, 187—.

I, _____, having filed my application, No. —, for an entry under the provisions of the first section of the act of Congress approved March 13, 1874, entitled “An Act to amend an act entitled ‘An Act to encourage the growth of timber on western prairies,’” do solemnly _____ that I am the head of a family, [*or over 21 years of age,*] and a citizen of the United States, [*or have declared my intention to become such;*] that the section of land specified in my said application is composed exclusively of prairie lands naturally devoid of timber; that this entry is made for the cultivation of timber, and that I have not heretofore made an entry under this act, or the act of March 3, 1873, of which this is amendatory.

Sworn to and subscribed, this _____ day of _____, 18—, before me.

_____,
Register, [*or Receiver.*]

NOTE.—In case the applicant seeks to enter a fractional subdivision containing less than 40 acres, and shall have made one or more similar entries of such fractional subdivisions, the last clause of the above affidavit will be modified accordingly.

[No. 34.]

TIMBER-CULTURE.

RECEIVER'S RECEIPT, {
No. _____. }

{ APPLICATION
No. _____. }

RECEIVER'S OFFICE, _____,

(Date) _____, 187—.

Received of _____ the sum of _____ dollars _____ cents, being the amount of fee and compensation of register and receiver for the entry of _____, of section _____ in township _____, of range _____, under the first section of the act of Congress approved March 13, 1874, entitled “An Act to encourage the growth of timber on western prairies.”

\$_____.

_____, Receiver.

[No. 35.]

TIMBER-CULTURE HOMESTEAD—ACT OF MARCH 13, 1874.

FINAL AFFIDAVIT.

I, _____, having made a homestead entry of the _____ of section _____, in township _____, of range _____, subject to entry at _____, under the homestead laws of the United States, do now apply to perfect my claim thereto by virtue of the provisions of the fourth section of the act of March 13, 1874, entitled “An Act to amend the act entitled ‘An Act to encourage the growth of timber on western prairies,’” and for that purpose do solemnly _____ that I, _____, am a citizen of the United States; that I have made actual settlement upon and have cultivated the said land, having resided thereon continuously since the _____ day of _____, 18—, to the present time; that no part of said land has been alienated, but that I am the sole *bona fide* owner as an actual settler; and that I will bear true allegiance to the Government of the United States; and I do further _____ that the above-described lands are prairie lands, naturally devoid of timber, and that I have planted thereon, and had under cultivation

for two years last past, — acres of [*here describe varieties of timber*] timber of which the trees are not more than twelve feet apart each way, and that the same are in a good, thrifty condition.

I, ———, ——— of the land office at ———, do hereby certify that the above affidavit was taken and subscribed before me this ——— day of ———, 18—.

————, *Register, [or Receiver.]*

[No. 36.]

TIMBER-CULTURE HOMESTEAD.

PROOF REQUIRED UNDER THE HOMESTEAD LAWS AND THE TIMBER-CULTURE ACT OF MARCH 13, 1874.

We, ———, ———, do solemnly ——— that we have known ——— for ——— years last past; that he is ——— consisting of ———, and ——— a citizen of the United States; that he is an inhabitant of the ——— of section No. ———, in township No. ———, of range No. ———, and that no other person resided upon the said land entitled to the right of homestead or pre-emption.

That the said ——— entered upon and made settlement on said land on the ——— day of ———, 18—, and has built a house thereon, [*here describe house,*] and has lived in the said house and made it his exclusive home from the ——— day of ———, 18—, to the present time; and that he has, since said settlement, plowed, fenced, and cultivated about ——— acres of said land, and has made the following improvements thereon, to wit: [*here state improvements;*] and we do further swear that the above-described lands are prairie lands, naturally devoid of timber, and that the said ——— has planted thereon, and had under cultivation for two years last past, — acres of [*here describe varieties of timber*] timber of which the trees are not more than twelve feet apart each way, and that the same are in a good, thrifty condition.

————.
————.

I, ———, ———, do hereby certify that the above affidavit was taken and subscribed before me this ——— day of ———, 18—.

————.

We certify that ——— and ———, whose names are subscribed to the foregoing affidavit, are persons of respectability.

————, *Register.*
————, *Receiver.*

[No. 37.]

TIMBER-CULTURE HOMESTEAD.

LAND OFFICE AT ———,
(Date) ———, 18—.

FINAL CERTIFICATE }
No. ———. }

{ APPLICATION
No. ———.

It is hereby certified, pursuant to the provisions of section 2291 of the Revised Statutes of the United States and the 4th section of the act of March 13, 1874, entitled "An Act to amend the act entitled 'An Act to encourage the growth of timber on western prairies,'" that ———, of ——— county, ———, has made payment in full for the ——— of section No. ———, in township No. ———, of range No. ———, containing ——— acres.

Now, therefore, be it known, That on presentation of this certificate to the Commissioner of the General Land Office the said ——— shall be entitled to a patent for the tract of land above described.

————, *Register.*

[No. 38.]

AN ACT to provide for the sale of desert lands in certain States and Territories.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for any citizen of the United States, or any person of requisite age "who may be entitled to become a citizen, and who has filed his declaration to become such," and upon payment of twenty-five cents per acre, to file a declaration, under oath, with the register and the receiver of the land district in which any desert land is situated, that he intends to reclaim a tract of desert land, not exceeding one section, by conducting water upon the same within the period of three years thereafter: *provided, however,* that the right to the use of water by the person so conducting the same on or to any tract of desert land of six hundred and forty acres shall depend upon *bona fide* prior appropriation; and such right shall not exceed the amount of water actually appropriated and necessarily used for the purpose of irrigation and reclamation; and all surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes subject to existing rights. Said declaration shall describe particularly said section of land if surveyed, and if unsurveyed shall describe the same as nearly as possible without a survey. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of one dollar per acre for a tract of land not exceeding six hundred and forty acres to any one person, a patent for the same shall be issued to him: *provided,* that no person shall be permitted to enter more than one tract of land, and not to exceed six hundred and forty acres, which shall be in compact form.

SEC. 2. That all lands exclusive of timber lands and mineral lands which will not, without irrigation, produce some agricultural crop, shall be deemed desert lands within the meaning of this act, which fact shall be ascertained by proof of two or more credible witnesses under oath, whose affidavits shall be filed in the land office in which said tract of land may be situated.

SEC. 3. That this act shall only apply to and take effect in the States of California, Oregon, and Nevada, and the Territories of Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and Dakota, and the determination of what may be considered desert land shall be subject to the decision and regulation of the Commissioner of the General Land Office.

[No. 39.]

DESERT LAND ACT OF MARCH 3, 1877.

DECLARATION.

No. —.

LAND OFFICE AT ————,

(Date) ————, 187—.

I, ————, of ———— county, ———— of ————, being duly sworn, depose and declare, That I am a citizen of the United States, of the age of ————, and a resident of said county and ————, and by occupation a ————; that I intend to reclaim a tract of desert land, not exceeding one section, by conducting water upon the same, within three years from date, under the provisions of the act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories." The desert land which I intend to reclaim does not exceed one section, and is situated in ———— county, in the ———— land district, and is described as follows, to wit: the ———— of section No. ————, township No. ————, range No. ————. I further depose, that I have made no other declaration for desert lands under the provisions of said act; that the land above described will not, without irrigation, produce an agricultural crop; that there is no timber growing upon said land; that there is not,

to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes, under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I became acquainted with said land by ———; and that my declaration therefor is not made for the purpose of fraudulently obtaining title to mineral land, timber land, or agricultural land, but for the purpose of faithfully reclaiming, within three years from the date hereof, by conducting water thereon, a tract of land which is desert land within the meaning of the act.

LAND OFFICE AT ———,

(Date) ———, 187—.

I hereby certify that the foregoing declaration was this day sworn to and subscribed before me.

———, *Register*.

———, *Receiver*.

[No. 40.]

DESERT LAND ACT OF MARCH 3, 1877.

AFFIDAVIT.

No. ———.

LAND OFFICE AT ———,

(Date) ———, 187—.

I, ———, of ——— county, ———, being duly sworn, declare, upon oath, That I am a resident of said county and ———; that I am of the age of ——— and by occupation a ———; that I am well acquainted with the character of each and every legal subdivision of the following-described land: the ——— section No. ———, township No. ———, range No. ———; that I became acquainted with said land by ———; that I have been acquainted with it for ——— years last past; that I have frequently passed over it; that my knowledge of said land is such as to enable me to testify understandingly concerning it; that the same is desert land within the meaning of the second section of the act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories;" that said land will not, without artificial irrigation, produce any agricultural crop; that no agricultural crop has ever been raised or cultivated on said land for the reason that it does not contain sufficient moisture for successful cultivation; that the same is essentially dry and arid land, wholly unfit for cultivation without artificial irrigation; that said land cannot be successfully cultivated without reclamation by conducting water thereon; that said land has hitherto been unappropriated, unoccupied, and unsettled, because it has been impossible to cultivate it successfully on account of its dry and arid condition; that it is a fact well known, patent, and notorious, that the same will not, in its natural condition, produce any crop, that the land is the ———; that there is no timber growing thereon, but that it is devoid of timber; that there is not, to my knowledge, within the limits thereof, any vein or lode of quartz, or other rock in place, bearing gold, silver, cinnabar, lead, tin, or copper, or any deposit of coal; that there is not, within the limits of said land, to my knowledge, any placer, cement, gravel, or other valuable mineral deposit or salines; that no portion of said land is claimed for mining purposes under the local customs or rules of miners or otherwise; that no portion of said land is worked for mineral during any part of the year by any person or persons; that said land is essentially non-mineral land; that I am not interested in any way or manner, directly or indirectly, present or prospective, in any application or declaration made or to be made for said land, or in the land itself, or in the title which may by any person or in any manner be acquired thereto.

LAND OFFICE AT _____,
(Date) _____, 187—.

I hereby certify that the above affidavit was taken and subscribed before me this day, and that _____, whose name is affixed thereto, is a person of respectability, to whose testimony full credence should be given.

_____, Register.
_____, Receiver.

[No. 41.]

No. _____.

UNITED STATES LAND OFFICE _____,
(Date) _____, 187—.

It is hereby certified, that under the provisions of the act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," _____ has this day filed in this office his declaration of intention to reclaim the following-described tract of land, viz: _____; that he has proven to our satisfaction that the said tract of land is desert land as defined in the second section of said act, and that he has paid to the receiver the sum of _____ dollars, being at the rate of twenty-five cents per acre for the land above described.

It is, therefore, further certified, that if within three years from the date hereof the said _____, or his assignee or legal representatives, shall satisfactorily prove that the said land has been reclaimed by carrying water thereon, and shall pay to the receiver the additional sum of one dollar per acre for the land above described, he or they shall be entitled to receive a patent therefor under the provisions of the said act.

\$ _____.

_____, Register.
_____, Receiver.

[No. 42.]

AN ACT providing for the sale of Saline lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever it shall be made appear to the register and the receiver of any land office of the United States that any lands within their district are saline in character, it shall be the duty of said register and said receiver, under the regulation of the General Land Office, to take testimony in reference to such lands to ascertain their true character, and to report the same to the General Land Office; and if, upon such testimony, the Commissioner of the General Land Office shall find that such lands are saline and incapable of being purchased under any of the laws of the United States relative to the public domain, then, and in such case, such lands shall be offered for sale by public auction at the local land office of the district in which the same shall be situated, under such regulations as shall be prescribed by the Commissioner of the General Land Office, and sold to the highest bidder for cash, at a price not less than one dollar and twenty-five cents per acre; and in case said lands fail to sell when so offered, then the same shall be subject to private sale, at such land office, for cash, at a price not less than one dollar and twenty-five cents per acre, in the same manner as other lands of the United States are sold: *Provided*, That the foregoing enactments shall not apply to any State or Territory which has not had a grant of salines by act of Congress, nor to any State which may have had such a grant, until either the grant has been fully satisfied, or the right of selection thereunder has expired by efflux of time. But nothing in this act shall authorize the sale or conveyance of any title other than such as the United States has, and the patents issued shall be in the form of a release and quit-claim of all title of the United States in such lands.

SEC. 2. That all executive proclamations relating to the sales of public lands shall be published in only one newspaper, the same to be printed and published in the State or Territory where the lands are situated, and to be designated by the Secretary of the Interior.

Approved January 12, 1877.

[No. 43.]

REVISED STATUTES OF THE UNITED STATES.

TITLE XXXII.—THE PUBLIC LANDS.—CH. 8.

RESERVATION AND SALE OF TOWN-SITES ON THE PUBLIC LANDS.

Town-sites to be reserved.

3 March, 1863, c. 80, § 1, v. 12, p. 734.

Reservations to be surveyed into lots.

3 March, 1863, c. 80, § 2, v. 12, p. 734.

SEC. 2380. The President is authorized to reserve from the public lands, whether surveyed or unsurveyed, town-sites on the shores of harbors, at the junction of rivers, important portages, or any natural or prospective centers of population.

SEC. 2381. When, in the opinion of the President, the public interests require it, it shall be the duty of the Secretary of the Interior to cause any of such reservations, or part thereof, to be surveyed into urban or suburban lots of suitable size, and to fix by appraisal of dis-interested persons their cash value, and to offer the same for sale at public outcry to the highest bidder, and thence afterward to be held subject to sale at private entry according to such regulations as the Secretary of the Interior may prescribe; but no lot shall be disposed of at public sale or private entry for less than the appraised value thereof. And all such sales shall be conducted by the register and receiver of the land-office in the district in which the reservation may be situated, in accordance with the instructions of the Commissioner of the General Land-Office.

Town or city sites in public lands.

1 July, 1861, c. 207, § 2, v. 11, p. 314.

SEC. 2382. In any case in which parties have already founded, or may hereafter desire to found, a city or town on the public lands, it may be lawful for them to cause to be filed with the recorder for the county in which the same is situated, a plat thereof, for not exceeding six hundred and forty acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed; also giving the name of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal subdivision, the lots in which shall each not exceed four thousand two hundred square feet, with a statement of the extent and general character of the improvements; such map and statement to be verified under oath by the party acting for and in behalf of the persons proposing to establish such city or town; and within one month after such filing there shall be transmitted to the General Land-Office a verified transcript of such map and statement, accompanied by the testimony of two witnesses that such city or town has been established in good faith, and when the premises are within the limits of an organized land-district, a similar map and statement shall be filed with the register and receiver, and at any time after the filing of such map, statement, and testimony in the General Land-Office, it may be lawful for the President to cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder, subject to a minimum of ten dollars for each lot; and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at such minimum, or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property. But any actual settler upon any one lot, as above provided, and upon any additional lot in which he may have substantial improvements shall be entitled to prove up and purchase the same as a pre-emption, at such minimum, at any time before the day fixed for the public sale.

SEC. 2383. When such cities or towns are established upon unsurveyed lands, it may be lawful, after the extension thereto of the public surveys, to adjust the extension limits of the premises according to those lines, where it can be done without interference with rights which may be vested by sale; and patents for all lots so disposed of at public or private sale shall issue as in ordinary cases.

When towns established upon unsurveyed lands, extension limits, how adjusted.

1 July, 1864, c. 205, s. 3, v. 13, p. 344.

SEC. 2384. If within twelve months from the establishment of a city or town on the public domain, the parties interested refuse or fail to file in the General Land-Office a transcript map, with the statement and testimony called for by the provisions of section twenty-three hundred and eighty-two, it may be lawful for the Secretary of the Interior to cause a survey and plat to be made of such city or town, and thereafter the lots in the same shall be disposed of as required by such provisions, with this exception, that they shall each be at an increase of fifty per centum on the minimum of ten dollars per lot.

When transcript maps of town are not filed in twelve months, proceedings by Secretary of Interior.

1 July, 1864, c. 205, s. 4, v. 13, p. 344.

SEC. 2385. In the case of any city or town, in which the lots may be variant as to size from the limitation fixed in section twenty-three hundred and eighty-two, and in which the lots and buildings, as municipal improvements, cover an area greater than six hundred and forty acres, such variance as to size of lots or excess in area shall prove no bar to such city or town claim under the provisions of that section; but the minimum price of each lot in such city or town, which may contain a greater number of square feet than the maximum named in that section, shall be increased to such reasonable amount as the Secretary of the Interior may by rule establish.

Where size of lots or town plat vary from general rule.

3 March, 1865, c. 107, s. 2, v. 13, p. 530.

SEC. 2386. Where mineral veins are possessed, which possession is recognized by local authority, and to the extent so possessed and recognized, the title to town-lots to be acquired shall be subject to such recognized possession and the necessary use thereof; but nothing contained in this section shall be so construed as to recognize any color of title in possessors for mining purposes as against the United States.

Title to lots subject to mineral rights.

3 March, 1865, c. 107, s. 2, v. 13, p. 530.

SEC. 2387. Whenever any portion of the public lands have been or may be settled upon and occupied as a town-site, not subject to entry under the agricultural pre-emption laws, it is lawful, in case such town be incorporated, for the corporate authorities thereof, and, if not incorporated, for the judge of the county court for the county in which such town is situated, to enter at the proper land-office, and at the minimum price, the land so settled and occupied in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sales thereof, to be conducted under such regulations as may be prescribed by the legislative authority of the State or Territory in which the same may be situated.

Entry of town authorities in trust for occupants.

2 March, 1867, c. 177, v. 14, p. 541.

SEC. 2388. The entry of the land provided for in the preceding section shall be made, or a declaratory statement of the purpose of the inhabitants to enter it as a town-site shall be filed with the register of the proper land-office, prior to the commencement of the public sale of the body of land in which it is included, and the entry or declaratory statement shall include only such land as is actually occupied by the town, and the title to which is in the United States; but in any Territory in which a land-office may not have been established, such declaratory statements may be filed with the surveyor-general of the surveying-district in which the lands are situated; who shall transmit the same to the General Land-Office.

Entry under preceding section, when to be made.

2 March, 1867, c. 177, v. 14, p. 541.

SEC. 2389. If upon surveyed lands, the entry shall in its exterior limit be made in conformity to the legal subdivisions of the public lands authorized by law; and where the inhabitants are in number one hundred, and less than two hundred, shall embrace not exceeding three hundred and twenty acres; and in cases where the inhabitants of such

Entry in proportion to number of inhabitants.

2 March, 1867, c. 177, v. 14, p. 541.

town are more than two hundred, and less than one thousand, shall embrace not exceeding six hundred and forty acres; and where the number of inhabitants is one thousand and over one thousand, shall embrace not exceeding twelve hundred and eighty acres; but for each additional one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres shall be allowed.

Authorities of Salt Lake City rights of us to entry.

1 July, 1870 c. 193, v. 16, p. 183.

SEC. 2390. The words "not exceeding five thousand in all," in the preceding section, shall not apply to Salt Lake City, in the Territory of Utah; but such section shall be so construed in its application to that city that lands may be entered for the full number of inhabitants contained therein, not exceeding fifteen thousand; and as that city covers school-section number thirty-six, in township number one north, of range number one west, the same may be embraced in such entry, and indemnity shall be given therefor when a grant is made by Congress of sections sixteen and thirty-six, in the Territory of Utah, for school purposes.

Certain acts of trustees to be void.

2 March, 1867, c. 177, v. 14, p. 541.

No title acquired to gold-mines &c., or to mining-claim, &c.

2 March, 1867 c. 177, v. 14 p. 541. 8 June, 1868, c. 53, v. 15, p. 67.

Military or other reservations, &c.

2 March, 1867, c. 177, v. 14, p. 541.

Inhabitants of towns on public lands right of, to enter.

8 June, 1868, c. 53, v. 15, p. 67.

SEC. 2391. Any act of the trustees not made in conformity to the regulations alluded to in section twenty-three hundred and eighty-seven shall be void.

SEC. 2392. No title shall be acquired, under the foregoing provisions of this chapter, to any mine of gold, silver, cinnabar, or copper; or to any valid mining-claim or possession held under existing laws.

SEC. 2393. The provisions of this chapter shall not apply to military or other reservations heretofore made by the United States, nor to reservations for light-houses, custom-houses, mints, or such other public purposes as the interests of the United States may require, whether held under reservations through the Land-Office by title derived from the Crown of Spain, or otherwise.

SEC. 2394. The inhabitants of any town located on the public lands may avail themselves, if the town authorities choose to do so, of the provisions of sections twenty-three hundred and eighty-seven, twenty-three hundred and eighty-eight, and twenty-three hundred and eighty-nine; and in addition to the minimum price of the lands embracing any town-site so entered, there shall be paid by the parties availing themselves of such provisions all costs of surveying and platting any such town-site, and expenses incident thereto incurred by the United States, before any patent issues therefor; but nothing contained in the sections herein cited shall prevent the issuance of patents to persons who have made or may hereafter make entries, and elect to proceed under other laws relative to town-sites in this chapter set forth.

[No. 44.]

AN ACT respecting the limits of reservations for town-sites upon the public domain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the existence or incorporation of any town upon the public lands of the United States shall not be held to exclude from pre-emption or homestead entry a greater quantity than twenty-five hundred and sixty acres of land, or the maximum area which may be entered as a town-site under existing laws, unless the entire tract claimed or incorporated as such town-site shall, including and in excess of the area above specified, be actually settled upon, inhabited, improved, and used for business and municipal purposes.

SEC. 2. That where entries have been heretofore allowed upon lands afterward ascertained to have been embraced in the corporate limits of any town, but which entries are or shall be shown, to the satisfaction of the Commissioner of the General Land Office, to include only vacant unoccupied lands of the

United States, not settled upon or used for municipal purposes, nor devoted to any public use of such town, said entries, if regular in all respects, are hereby confirmed and may be carried into patent: *Provided*, That this confirmation shall not operate to restrict the entry of any town-site to a smaller area than the maximum quantity of land which, by reason of present population, it may be entitled to enter under section twenty-three hundred and eighty-nine of the Revised Statutes.

SEC. 3. That whenever the corporate limits of any town upon the public domain are shown or alleged to include lands in excess of the maximum area specified in section one of this act, the Commissioner of the General Land Office may require the authorities of such town, and it shall be lawful for them, to elect what portion of said lands, in compact form and embracing the actual site of the municipal occupation and improvement, shall be withheld from pre-emption and homestead entry; and thereafter the residue of such lands shall be open to disposal under the homestead and pre-emption laws. And upon default of said town authorities to make such selection within sixty days after notification by the Commissioner, he may direct testimony respecting the actual location and extent of said improvements, to be taken by the register and receiver of the district in which such town may be situated; and, upon receipt of the same, he may determine and set off the proper site according to section one of this act, and declare the remaining lands open to settlement and entry under the homestead and pre-emption laws; and it shall be the duty of the secretary of each of the Territories of the United States to furnish the surveyor-general of the Territory for the use of the United States a copy duly certified of every act of the legislature of the Territory incorporating any city or town, the same to be forwarded by such secretary to the surveyor-general within one month from date of its approval.

SEC. 4. It shall be lawful for any town which has made, or may hereafter make entry of less than the maximum quantity of land named in section twenty-three hundred and eighty-nine of the Revised Statutes to make such additional entry, or entries, of contiguous tracts, which may be occupied for town purposes as when added to the entry or entries theretofore made will not exceed twenty-five hundred and sixty acres: *Provided*, That such additional entry shall not together with all prior entries be in excess of the area to which the town may be entitled at date of the additional entry by virtue of its population as prescribed in said section twenty-three hundred and eighty-nine.

Approved March 3, 1877.

UNITED STATES LAND OFFICES.

ALABAMA.	DAKOTA TER.	MICHIGAN.	NEBRASKA—Cont'd.
Mobile.	Sioux Falls.	Detroit.	North Platte.
Huntsville.	Springfield.	East Saginaw.	Bloomington.
Montgomery.	Fargo.	Ionia.	NEVADA.
ARKANSAS.	Yaukton.	Marquette.	Carson City.
Little Rock.	Bismarck.	Traverse City.	Eureka.
Camden.	Deadwood.	MINNESOTA.	NEW MEXICO TER.
Harrison.	FLORIDA.	Taylor's Falls.	Santa Fé.
Dardanelle.	Gainesville.	Saint Cloud.	La Mesilla.
ARIZONA TER.	IDAHO TER.	Du Luth.	OREGON.
Prescott.	Boisé City.	Fergus Falls.	Oregon City.
Florence.	Lewiston.	Worthington.	Roseburg.
CALIFORNIA.	IOWA.	New Ulm.	Le Grand.
San Francisco.	Fort Des Moines.	Benson.	Lakeview.
Marysville.	Sioux City.	Detroit.	The Dalles.
Humboldt.	KANSAS.	Redwood Falls.	UTAH TER.
Stockton.	Topeka.	MISSISSIPPI.	Salt Lake City.
Visalia.	Salina.	Jackson.	WASHINGTON TER.
Sacramento.	Independence.	MISSOURI.	Olympia.
Los Angeles.	Wichita.	Boonville.	Vancouver.
Shasta.	Kirwin.	Ironton.	Walla-Walla.
Susanville.	Concordia.	Springfield.	Colfax.
Independence.	Larned.	MONTANA TER.	WISCONSIN.
COLORADO.	Hays City.	Helena.	Menasha.
Denver City.	LOUISIANA.	Bozeman.	Falls of St. Croix.
Fair Play.	New Orleans.	NEBRASKA.	Wausau.
Central City.	Monroe.	Norfolk.	La Crosse.
Pueblo.	Natchitoches.	Beatrice.	Bayfield.
Del Norte.		Lincoln.	Eau Claire.
Lake City.		Niobrara.	WYOMING TER.
		Grand Island.	Cheyenne.
			Evauston.

NOTE.—By act of July 31, 1876, the land offices in Ohio, Indiana, and Illinois were abolished; and by act of March 3, 1877, the vacant tracts of public land in Ohio, Indiana, and Illinois are made subject to entry and location at the General Land Office, Washington, D. C. (See regulations, on pages 11 and 12.)

CIRCULAR.

FROM

THE GENERAL LAND OFFICE,

SHOWING

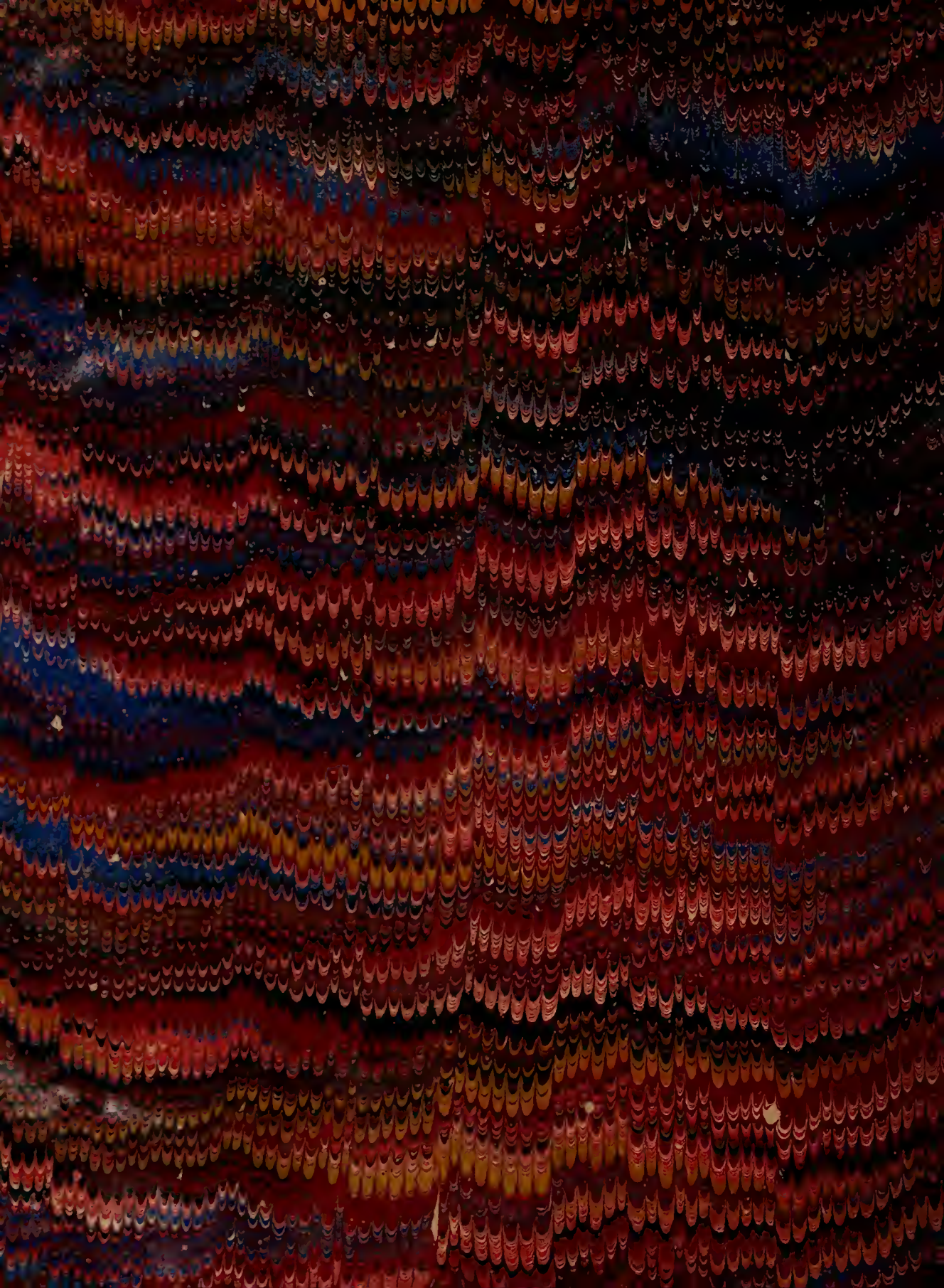
THE MANNER OF PROCEEDING

TO

OBTAIN TITLE TO PUBLIC LANDS UNDER THE PRE-EMPTION, HOMESTEAD,
TIMBER CULTURE, AND OTHER LAWS.

ISSUED DECEMBER 1, 1877.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1877.





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